U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF V-IT, INC.

DATE: JAN. 25, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, an IT services and support solutions provider, seeks to temporarily employ the Beneficiary as its call center operations manager under the L-1A nonimmigrant classification for intracompany transferees. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1A classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee to the United States to work temporarily in a managerial or executive capacity.

The Director of the California Service Center denied the petition, concluding that the Petitioner did not establish, as required, that it would employ the Beneficiary in a managerial or executive capacity. The matter is now before us on appeal.

Upon *de novo* review of the record, we will sustain the appeal.

The Petitioner has established by a preponderance of the evidence that the Beneficiary would be employed in the United States in a managerial capacity as defined at section 101(a)(44)(A) of the Act. Specifically, the Petitioner established that the Beneficiary will: manage a department of the company; supervise the work of a staff of eight subordinate supervisors who oversee lower level employees; have the authority to make hiring, firing, and other personnel decisions; and exercise discretion over the day-to-day operations of the department he manages. The Petitioner explained the Beneficiary's duties, and the duties of his subordinates, in sufficient detail to establish that he would be relieved from any significant involvement in the non-managerial, day-to-day functions carried out within the department. As such, the Petitioner has established that his services would be primarily managerial in nature.

ORDER: The appeal is sustained.

Cite as *Matter of V-IT, Inc.*, ID# 2017857 (AAO Jan. 25, 2019)