U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF T-H- LLC

DATE: JAN. 30, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, an aircraft maintenance provider, seeks to temporarily employ the Beneficiary as a senior manager, U.S. operations, 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 record did not establish, as required, that the Beneficiary is employed abroad in a managerial or executive capacity. In addition, the Director determined that the Petitioner did not demonstrate that the Beneficiary would be employed in a managerial or executive capacity in the United States.

The Petitioner and its affiliated companies, including the Beneficiary's foreign employer in Spain, provide "maintenance on aircraft operated by [E]uropean airlines." The Petitioner indicated that its parent company, the Beneficiary's foreign employer, "enters into contracts with [E]uropean airlines, per [European Union] regulations." The Petitioner explained that the Beneficiary is the founder of the foreign parent company and that he "helped to expand operations and develop affiliates in South Africa, Namibia, Brazil, Costa Rica, Canada, Maldives, and Thailand."

Upon *de novo* review, we find that the Petitioner has established by a preponderance of the evidence that the Beneficiary will be employed in the United States, and has been employed abroad, in a managerial capacity. The Petitioner provided a comprehensive job description, which lists the Beneficiary's respective job duties in his foreign and proposed positions and explains how the Beneficiary functioned and would function at a senior level with respect to the essential function he managed abroad and would manage in the United States. In addition, the Petitioner provides evidence to show that both it and the Beneficiary's foreign employer are part of an organization with multiple working teams and an organizational hierarchy which adequately supported and would support the Beneficiary in his respective positions.

ORDER: The appeal is sustained.

Cite as *Matter of T-H- LLC*, ID# 1982055 (AAO Jan. 30, 2019)