U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 7351318

Date: JAN. 31, 2020

Appeal of Texas Service Center Decision

Form I-129, Petition for Nonimmigrant Worker (L-1A)

The Petitioner, a digital marketing agency, seeks to temporarily employ the Beneficiary as a "Senior Vice President, Managing Director" in the United States 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 Director of the Texas Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary was employed in a managerial or executive capacity abroad prior to her entry into the United States as a nonimmigrant. On appeal, the Petitioner asserts that the Beneficiary qualified as a personnel manager abroad based on her supervision of professional subordinates.

Upon *de novo* review, we conclude that the record is sufficient to establish that the Beneficiary more likely than not acted in a managerial capacity abroad. First, the Petitioner submitted a detailed foreign duty description for the Beneficiary indicating that she was primarily engaged in qualifying managerial tasks in her former position abroad and demonstrating that she oversaw professional account directors, managers, and executives. The Petitioner provided duty descriptions and supporting evidence sufficient to establish that the Beneficiary's subordinates held, and were required to have, bachelor's degrees to perform the duties of their positions. The submitted evidence also sufficiently demonstrates that the Beneficiary had the authority to hire, fire, and take other personnel actions with respect to her subordinates and that she exercised discretion over them. Further, the record demonstrates that the members of the Beneficiary's department more likely than not relieved her from primarily performing non-qualifying operational level tasks. As such, the totality of the evidence demonstrates that the Beneficiary was more likely than not employed in a managerial capacity abroad. 8 C.F.R. § 214.2(l)(1)(ii)(B)(*3*).

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has met that burden.

ORDER: The appeal is sustained.