U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-T-(USA), INC.

DATE: JULY 2, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a company engaged in business management services and technology development for real estate enterprises, seeks to temporarily employ the Beneficiary as a "Senior Manager, Product Development" under the L-1A nonimmigrant classification for intracompany transferees. *See* 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 would be employed in the United States in a managerial or executive capacity.

On appeal, the Petitioner submits additional evidence and asserts that the Director overlooked evidence that the Beneficiary will manage professional employees in the United States and abroad. After a preliminary review of the appeal, we issued a issued a request for evidence (RFE) and have incorporated the Petitioner's response into the record.

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

The Petitioner has demonstrated that the Beneficiary will be primarily responsible for managing product development projects for a major client that accounts for more than 20% of the company's annual revenue. Further, the record shows that he will exercise authority over the day-to-day activities of these projects, supervise and direct the work of subordinate professionals who primarily perform the non-managerial technical development work, and hold authority to recommend and make personnel decisions impacting his subordinates. As such, the Petitioner has now established by a preponderance of the evidence that the Beneficiary will be employed in the United States in a managerial capacity as defined at section 101(a)(44)(A) of the Act.

ORDER: The appeal is sustained.

Cite as *Matter of A-T-(USA), Inc.*, ID# 1104358 (AAO July 2, 2018)