U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 8206370

Date: JULY 7, 2020

Appeal of Texas Service Center Decision

Form I-129, Petition for L-1A Manager or Executive

The Petitioner seeks to continue the Beneficiary's temporary employment as its delivery manager under the L-1A nonimmigrant classification for intracompany transferees.[1] 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 Texas Service Center denied the petition, concluding that the record did not establish that the Beneficiary would be employed in the United States in a managerial or executive capacity under the extended petition. On appeal, the Petitioner asserts that the Beneficiary's job as delivery manager in the United States will be primarily managerial.

Upon *de novo* review, we will sustain the appeal. We find that the Petitioner has submitted sufficient evidence establishing that the Beneficiary would more likely than not continue to be employed in the United States in a managerial capacity. Specifically, a review of the record shows that the Beneficiary will continue to primarily allocate his time to managerial duties and exercise discretion over the day-to-day operations of the Petitioner's client engagements. Further, his oversight over professional subordinates in the United States is consistent with the statutory definition of managerial capacity at section 101(a)(44)(A) of the Act.

ORDER: The appeal is sustained.

[1] The Petitioner previously filed an L-1A nonimmigrant visa petition on the Beneficiary's behalf which was approved for the period September 11, 2017, until July 24, 2019.