U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF P-N-A-, INC.

DATE: JULY 9, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a manufacturer of glass and glazing products used in automobiles, seeks to continue the Beneficiary's temporary employment as a key account 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 record did not establish, as required, that the Beneficiary would be employed in a managerial or executive capacity.

On appeal, the Petitioner asserts that the Beneficiary would act as a function manager overseeing two major company accounts generating more than $87 million in annual revenue. The Petitioner contends that the Beneficiary would be primarily relieved from performing non-qualifying duties by managerial and professional employees from various departments that perform the operational duties necessary to support his two major clients.

Upon *de novo* review, we conclude that the record now contains sufficient evidence to overcome the Director's denial. The submitted evidence reflects that the Beneficiary would more likely than not act as a function manager overseeing an essential function of the company. The Petitioner submits credible evidence that the Beneficiary will have discretionary authority over managing new and existing business and services provided to two of the company's most significant clients, generating substantial revenue for the company. Therefore, the evidence demonstrates that the Beneficiary would have managerial authority over an essential function.

Although the Petitioner submits duties and evidence indicating that the Beneficiary would likely perform some non-qualifying operational duties, such as certain sales and quotation activities, it also provided credible documentary evidence reflecting that he would be primarily relieved from non-qualifying duties by operational managers and professionals from various departments who provide goods and services to these major clients. In sum, the evidence credibly demonstrated that it was more likely than not that the Beneficiary, despite his lack of immediate subordinates, would primarily direct an essential function of the company, rather than perform the duties necessary to perform the function.

Therefore, the totality of the evidence establishes that the Beneficiary would more likely than not act as a function manager under the extended petition.

ORDER: The appeal is sustained.

Cite as *Matter of P-N-A-, Inc.*, ID# 1368985 (AAO July 9, 2018)