U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF E-, INC.

DATE: JULY 25, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a manufacturer and distributor of automotive accessories, seeks to temporarily employ the Beneficiary as vice president of its building products division 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 was employed abroad in a managerial capacity. The Director stressed the importance of a detailed job description, finding that the Petitioner did not sufficiently describe the Beneficiary's daily job duties or provide supporting evidence to establish that the Beneficiary was adequately supported in his claimed managerial role. The Director also questioned whether the Beneficiary's subordinates were professional employees.

On appeal, the Petitioner points to the Beneficiary's comprehensive job description, which it previously provided, contending the Director neglected to properly consider that job description, his critical role within the scope of the department he managed, and the significant monetary impact of that department on the organization as a whole. The Petitioner provides additional information about the function of the department that the Beneficiary managed and points to previously submitted evidence about the duties of subordinate managers who supported the Beneficiary's position within that department and the Beneficiary's relationship with those subordinates. The Petitioner also clarifies the role of the foreign entity's support staff, explaining how they relieved the Beneficiary from having to carry out the underlying operational tasks of the division he managed.

Upon *de novo* review, we find that the Petitioner has overcome the Director's decision. Therefore, we will sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of E-, Inc.*, ID# 1415079 (AAO July 25, 2018)