U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF D-, INC.

DATE: MAR. 7, 2019

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a manufacturer and supplier of automotive fluid management and systems components, seeks to temporarily employ the Beneficiary as "Regional Human Resources 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 Petitioner did not establish, as required, that the Beneficiary's proposed position in the United States will be in a managerial or executive capacity.

On appeal, the Petitioner contends that the Director did not consider the totality of the record and clarifies the roles and job duties of the foreign entity's employees in supporting the Beneficiary in her proposed U.S. position. The Petitioner cites *Matter of Z-A-*, Inc., Adopted Decision 2016-02 (AAO Apr. 14, 2016), in support of these contentions and asks that we consider other critical factors, such as the complexity of its organizational structure and the Beneficiary's position with respect to the human resources function within that structure, the scope of her authority over that function, and her indirect supervision of employees in Mexico who will continue to carry out the underlying duties of that function as they had during her position with the foreign entity. The Petitioner also contends that the Director erred in finding that the foreign support staff must be "exclusively dedicated to relieving the [B]eneficiary" from non-managerial job duties.

Upon *de novo* review, we find that the Petitioner has correctly pointed to errors in the Director's analysis regarding issues that are critical to the claim that the Beneficiary will assume the role of a function manager. We also find that the Petitioner has provided sufficient evidence clarifying the Beneficiary's role and the roles of her foreign support staff, whose listed job duties indicate that the Beneficiary will be relieved from having to devote her time to performing primarily non-managerial tasks of the human resources function. In sum, we find that the Petitioner has provided sufficient evidence to establish that the Beneficiary will focus primarily on tasks that are associated with managing the essential human resources function rather than performing the underlying operational tasks of that function. Therefore, we will sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of D-, Inc.*, ID# 2338231 (AAO Mar. 7, 2019)