U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF I-C- LTD

DATE: MAR. 15, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a smart card sales and marketing company, seeks to continue the Beneficiary's temporary employment as the global business manager of its U.S. subsidiary[1] 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 approved the petition, but later revoked the approval following the issuance of a notice of intent to revoke. The Director concluded that the record did not establish that the Petitioner's U.S. subsidiary was doing business as required by the regulations or that the Beneficiary would be employed in a managerial or executive capacity under the extended petition. On appeal, the Petitioner submits additional evidence and contends that the approval was revoked in error.

Upon *de novo* review, we conclude that the record now contains sufficient evidence to overcome the grounds for revocation. First, the Petitioner has provided sufficient evidence to demonstrate that its U.S. subsidiary is regularly, systematically, and continuously providing services to its foreign parent company by building brand awareness, contributing to research and development, and strengthening relationships with financial institutions in the United States. The Petitioner also submits substantial supporting documentation reflecting that the Beneficiary's U.S. subordinates coordinate with several existing U.S. clients on the design and manufacture of credit cards. The Petitioner has established that it is doing business as required by the regulations. *See* 8 C.F.R. § 214.2(l)(1)(ii)(H).

Further, the Petitioner has submitted a credible and detailed duty description for the Beneficiary and substantial supporting evidence indicating that his subordinates relieve him from primarily performing non-qualifying operational tasks. The Petitioner explained how the U.S. subsidiary fits into the broader qualifying organization and explained why it does not have a reasonable need for a larger U.S.-based staff to perform non-executive functions at the present time. The evidence

[1] The Petitioner in this matter, [redacted] is a South Korean entity with a U.S. subsidiary, [redacted] which serves as the Beneficiary's U.S. employer.

credibly demonstrates that the Beneficiary's subordinates, with support from the Korean parent, allow him to primarily focus on the broad goals and policies of the subsidiary company rather than the day-to-day operations of the enterprise and that he will have wide latitude in discretionary decision making over the organization. Section 101(a)(44)(B) of the Act.

The totality of the evidence establishes that that the Petitioner is more likely than not doing business as defined by the regulations and that the Beneficiary will be employed in an executive capacity under the extended petition.

ORDER: The appeal is sustained.

Cite as *Matter of I-C- Ltd*, ID# 1015769 (AAO Mar. 15, 2018)