U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 8844818

Date: MAR. 17, 2020

Appeal of Texas Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker (L-1A)

The Petitioner, an insurance company, seeks to temporarily employ the Beneficiary in the United States as its "International Legal Counsel and Vice President of Corporate Affairs, Claims, and Compliance" 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 Director of the Texas Service Center denied the petition, concluding that the Petitioner did not establish that the Beneficiary has been employed abroad in a managerial or executive capacity. On appeal, the Petitioner asserts that the record establishes by a preponderance of the evidence that the Beneficiary has been employed by its Venezuelan affiliate in an executive capacity.

Upon *de novo* review, we conclude that the record is sufficient to establish that the Beneficiary has more likely than not acted in an executive capacity abroad, where he serves as the Special Advisor and Counsel to the foreign affiliate's President.

First, the Petitioner submitted a sufficiently detailed foreign duty description for the Beneficiary indicating that he has been primarily engaged in qualifying duties. The position description establishes that he directs the foreign affiliate's legal affairs, establishes legal policies and strategies, and exercises considerable discretionary decision-making authority within his area of responsibility. Further, the foreign entity's organizational chart and supporting evidence reflect that the Beneficiary's authority to direct the management of the legal division extends to the executive vice president of legal and finance and his subordinate staff, and also includes indirect authority over another executive vice president, a director, and their respective staff in the corporate management and property and reinsurance departments. The Petitioner provided sufficient evidence regarding the foreign entity's staffing within these departments to support a finding that the Beneficiary has been relieved from significant involvement in operational and administrative tasks. Finally, the record demonstrates that the Beneficiary reports directly to the president and Board of Directors, serves on the foreign affiliate's executive committee, and receives only general supervision and direction from his superiors.

In sum, we find that the Petitioner has established by a preponderance of the evidence that the Beneficiary has been employed abroad in an executive capacity as defined at section 101(a)(44)(B) of the Act. In visa petition proceedings, it is the petitioner's burden to establish eligibility for the

immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has met that burden.

ORDER: The appeal is sustained.