U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40905728

Date: MAR. 18, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a consulting services and solutions provider in the healthcare technology industry, seeks to extend the Beneficiary's temporary employment as its vice president 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.

SCOPS denied the petition, concluding the Petitioner did not establish it would employ the Beneficiary in a managerial capacity. The Petitioner subsequently filed combined motions to reopen and reconsider, which SCOPS dismissed. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will sustain the appeal.

The sole issue presented on appeal is whether the Petitioner established that it would employ the Beneficiary in a managerial capacity.[1]

"Managerial capacity" means an assignment within an organization in which the employee primarily manages the organization, or a department, subdivision, function, or component of the organization; supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization; has authority over personnel actions or functions at a senior level within the organizational hierarchy or with respect to the function managed; and exercises discretion over the day-to-day operations of the activity or function for which the employee has authority. Section 101(a)(44)(A) of the Act.

[1] The Petitioner did not claim that it would employ the Beneficiary in an executive capacity, as defined at section 101(a)(44)(B) of the Act, 8 U.S.C. § 1101(a)(44)(B).

The Petitioner states that the Beneficiary, as a vice president, will continue to manage its partnerships with hyperscale cloud services companies (including [redacted], oversee digital product management for its [redacted] product suite and [redacted]-powered industry solutions, and oversee the implementation of sales and account growth strategies and initiatives in these areas. The Petitioner explained that her role involves strategic and leadership responsibilities across multiple business lines and geographies and is supported by a structured and diverse team.

In its decision, SCOPS emphasized that the Beneficiary's direct subordinates are based in India and found that she "cannot qualify as an L-1A intracompany manager simply by being physically present in the United States and performing routine hands-on operational tasks for [the Petitioner] and customers with no immediate subordinates."

On appeal, the Petitioner maintains that SCOPS did not consider its detailed explanation and supporting documentation intended to demonstrate how the Beneficiary's direct and indirect subordinates relieve her from needing to engage in routine operational tasks despite their geographically distributed work locations.

The Petitioner's response to SCOPS' request for evidence (RFE) included a 42-page letter that provided: a detailed description of the Beneficiary's role, responsibilities and specific duties; details regarding the roles, duties, and educational qualifications for her direct and indirect reports based in India; similar details for ten primarily U.S.-based employees who report to her on a dotted-line basis; and, relevant company organizational charts. However, it appears that SCOPS discounted the information in this letter based on a conclusion that the Petitioner had made significant changes to the job description provided at the time of filing and because it found the job description "too broad to convey any understanding" of what the Beneficiary does on a day-to-day basis.

The record supports the Petitioner's assertion that it made no substantial revisions to the Beneficiary's job description, such as changing her areas of responsibility or the amount of time allocated to each area. SCOPS' conclusion to the contrary appears to be based on an incomplete reading of the job description, which added additional detail to the initial description but did not change the underlying responsibilities or allocation of time.

We also agree with the Petitioner that the job description was not overly broad and sufficiently conveyed the primarily managerial nature of the Beneficiary's day-to-day tasks. The record does not show, as concluded by SCOPS, that the Beneficiary would be "performing routine hands-on operational tasks" for her employer or its customers, or that she has no subordinates available to perform operational tasks associated with her areas of responsibility. Those responsibilities, as described and supported in the record, require higher level oversight of product, partnership and sales strategies and initiatives, rather than involvement in selling or delivering solutions to customers.

The Petitioner also provided a detailed duty description for each of the Beneficiary's direct, indirect and dotted-line reports as well as a credible explanation of how she supervises and controls her subordinates through structured communications, use of collaboration tools and dashboards, delegation of operational tasks, and the use of time-zone optimized workflows. The Petitioner's explanations were supported by internal company documentation evidencing the Beneficiary's use of

these techniques to oversee her geographically distributed team, which includes indirect reports based in the United States as well as the India-based team referenced by SCOPS.

SCOPS also concluded that the Beneficiary cannot qualify as a "personnel manager" [2] because her job description indicated she would allocate only 20% of her time to "team management" responsibilities. The Beneficiary's "team management" duties are limited to managing recruitment and hiring processes, exercising discretionary authority in other personnel-related areas, setting performance goals, and conducting performance appraisals, all of which are qualifying managerial duties under section 101(a)(44)(A)(iii) of the Act. However, as the Petitioner emphasizes on appeal, the Beneficiary's responsibility for the day-to-day supervision and control of subordinate personnel is not limited to these "team management" tasks. Rather, her supervisory responsibilities are conveyed throughout her position description, such that we may conclude that it is more likely than not that she spends over half of her time engaged in the supervision of subordinate managers, supervisors and/or professionals, consistent with section 101(a)(44)(ii) of the Act.[3]

Finally, the record otherwise indicates that the Beneficiary manages a business unit within the Petitioner's organization and that she exercises discretion over the day-to-day operations of the activities for which she has authority. *See* sections 101(a)(44)(i) and (iv) of the Act. Overall, the record demonstrates that the Beneficiary will perform the high-level responsibilities set forth in the statutory definition of "managerial capacity," and that she will, more likely than not, primarily perform those managerial duties, as opposed to performing ordinary operational activities alongside other employees. *See Family Inc. v. USCIS*, 469 F.3d 1313, 1316 (9th Cir. 2006).

Based on the foregoing discussion, the Petitioner has established, by a preponderance of the evidence, that it will employ the Beneficiary in a managerial capacity. Accordingly, we will sustain the appeal.

ORDER: The appeal is sustained.

[2] The statutory definition of "managerial capacity" allows for both "personnel managers" and "function managers." *See* section 101(a)(44)(A) of the Act. Personnel managers are required to primarily supervise and control the work of other supervisory, professional, or managerial employees, while function managers primarily manage an "essential function" within the organization. *See* section 101(a)(44)(A)(ii) of the Act.

[3] The Beneficiary's direct reports include an assistant vice president, senior manager, manager, senior product analyst and senior healthcare business analyst.