U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 8326626

Date: MAY 21, 2020

Appeal of Texas Service Center Decision

Form I-129, Petition for L-1A Manager or Executive

The Petitioner, describing itself as a technology consulting firm, seeks to temporarily employ the Beneficiary as "Managing Director- Product Management and Delivery" in the United States 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 the record did not establish that the Beneficiary would be employed in a managerial or executive capacity in the United States. On appeal, the Petitioner asserts that the Beneficiary would qualify as a personnel manager based on his supervision of subordinate managers and professionals.

Upon *de novo* review, we conclude that the record is sufficient to establish that the Beneficiary would more likely than not act in a managerial capacity. First, the Petitioner has submitted a detailed U.S. duty description for the Beneficiary indicating that he would be primarily engaged in qualifying managerial tasks overseeing subordinate managers supervising approximately 25 other information technology employees, such as team leads, quality assurance analysts, senior analysts, senior developers, and other similar subordinates. The submitted evidence also sufficiently establishes that the Beneficiary will likely have the authority to recommend the hiring and firing of these subordinates and that he will be responsible for other personnel actions with respect to his subordinate managers. Further, the record sufficiently demonstrates that the Beneficiary's subordinate managers and their subordinates will likely relieve him from primarily performing non-qualifying operational level tasks. As such, the evidence sufficiently establishes that the Beneficiary will be employed as a personnel manager in the United States. 8 C.F.R. § 214.2(l)(1)(ii)(B)(*3*).

The totality of the evidence demonstrates that the Beneficiary will more likely than not be employed in a managerial capacity in the United States. 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.