U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF C-M-H- LLC

DATE: NOV. 15, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a manufacturer and distributor of healthcare medical devices, seeks to temporarily employ the Beneficiary as an "IT manager" 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 denied the petition concluding that the Petitioner did not establish, as required, that the Beneficiary would be employed in the United States in a managerial capacity. The Director found that the Petitioner did not demonstrate that the Beneficiary would oversee professional subordinates or that he would be relieved from having to carry out the organization's daily operational tasks.

On appeal, the Petitioner contends that the Director's decision is factually incorrect pointing to previously submitted evidence regarding job requirements and job duties of the Beneficiary's 17 subordinates; it also points to the Beneficiary's previously submitted job description and explains that his support staff, rather than the Beneficiary himself, will carry out the daily operational tasks.

Upon review, we find that the Petitioner has submitted sufficient evidence establishing that the Beneficiary would more likely than not allocate his time primarily to overseeing a staff that is mainly comprised of professional subordinates who would relieve the Beneficiary from having to primarily perform non-managerial job duties.

ORDER: The appeal is sustained.

Cite as *Matter of C-M-H- LLC*, ID# 1833515 (AAO Nov. 15, 2018)