U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF T-T-, INC.

DATE: NOV. 21, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, an engineering services company, seeks to continue the Beneficiary's temporary employment as an executive officer 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 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 record did not establish, as required, that the Beneficiary would be employed in a managerial or executive capacity.

On appeal, the Petitioner asserts that the Beneficiary qualifies as a function manager. The Petitioner also contends that the Director improperly focused on whether the Beneficiary would oversee professional subordinates and did not consider whether he would manage an essential function as asserted.

Upon *de novo* review, we conclude that the record now contains sufficient evidence to overcome the sole basis for denial. The submitted evidence reflects that the Beneficiary would more likely than not be employed as a function manager overseeing the Petitioner's mergers and acquisitions, business strategy formulation and deployment, and high level corporate initiatives.

The Petitioner submitted credible support letters and other documentary evidence substantiating that the Beneficiary directs teams of higher level managers and professionals with respect to the company's mergers and acquisitions and high level corporate business strategy initiatives. In addition, the supporting evidence indicated the Beneficiary delegating tasks to other higher level managers and professionals throughout the company's extensive organizational structure in order to execute on mergers and acquisitions and other corporate initiatives. The Petitioner also provided a detailed, credible duty description for the Beneficiary and sufficiently explained how he would exercise discretion over the day-to-day operations of his function. The Petitioner sufficiently demonstrated that the Beneficiary would more likely than not be primarily performing higher-level duties consistent with the statutory definition of managerial capacity. *See* 101(a)(44)(A) of the Act, 8 U.S.C. § 1101(a)(44)(A).

The totality of the evidence establishes that the Beneficiary will more likely than not act in a managerial capacity.

ORDER: The appeal is sustained.

Cite as *Matter of T-T-, Inc.*, ID# 1797162 (AAO Nov. 21, 2018)