U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-S- LLC

DATE: OCT. 2, 2018

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a distributor of aluminum processing machinery, seeks to temporarily employ the Beneficiary as its "Manager of Engineered Sales" 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 that the Beneficiary will be employed in a managerial or executive capacity.

Upon *de novo* review, we will sustain the appeal.

On appeal, the Petitioner has provided additional explanations regarding the nature of the proposed role and has now established by a preponderance of the evidence that the Beneficiary will be employed in the United States in a managerial capacity as defined at section 101(a)(44)(A) of the Act. The record supports the Petitioner's claims that the Beneficiary will primarily manage the sales of its advanced aluminum processing machinery in North America, rather than performing the routine operational duties associated with that function. Given the nature of the products sold, the sales function is complex and requires high-level coordination among several departments, as well as with the Petitioner's parent company in Germany.

The Petitioner consistently identified more than 25 employees of its joint venture partner who will initially support all aspects of the sales activities, including sales, technical, engineering, finance, administrative, and other support staff. Further, the Petitioner provided specific examples of the types of non-managerial duties to be delegated to these staff, and established that the Beneficiary will operate at a senior level and exercise discretion over day-to-day activities of the sales function, report directly to senior executives, and primarily perform managerial duties.

ORDER: The appeal is sustained.

Cite as *Matter of A-S-, LLC*, ID# 1668466 (AAO Oct. 2, 2018)