U.S. Citizenship and Immigration Services

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

In Re: 17345016

Date: SEPT. 14, 2021

Appeal of California Service Center Decision

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

The Petitioner, an IT services provider, seeks to continue the Beneficiary's temporary employment as a "marketing communications manager" under the L-1A nonimmigrant classification for intracompany transferees who are coming to be employed in the United States in a managerial or executive capacity.[1] Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

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 a managerial or executive capacity. The Director determined that approximately 65% of the Beneficiary's time would be spent performing duties that were deemed vague and that only 30% of his time would be spent managing personnel. The Director also determined that the record lacks sufficient evidence of "ongoing managerial actions" taken by the Beneficiary and that the Petitioner failed to distinguish the Beneficiary's position from that of his subordinates, who share his position title and whom the record does not establish are managerial or professional employees.

On appeal, the Petitioner disputes the Director's findings, pointing to previously submitted evidence, including a detailed statement from the corporate vice president of [redacted] marketing, who directly oversees the Beneficiary in his role as manager of the [redacted] marketing communications function, which is deemed a key component of the broader "[redacted] Marketing Group." The Petitioner points to the Beneficiary's level of authority with respect to the [redacted] marketing communications function. This highlights the Beneficiary's discretion over the resources of that function, including the professional subordinates and contracted vendor teams, who carry out the underlying duties of that function, and a $6 million marketing budget and a $10 million social and paid media spending budget, which the Beneficiary's team uses to "rais[e] awareness of, driv[e] purchase intent for, and ultimately driv[e] transaction of [the Petitioner's] [redacted] products via social media marketing." The Petitioner also clarifies the distinction between the Beneficiary's role and those of his subordinates, expounding on the subordinates' respective roles and highlighting that while the Beneficiary's subordinates are limited to managing a specific segment of the [redacted] marketing communications function, the Beneficiary is responsible for managing the function in its entirety.

[1] The instant petition is an extension from a previously filed blanket petition with a validity date for the period April 26, 2017, until June 28, 2020.

In addition, the Petitioner points out that the regulations do not require the Beneficiary to primarily manage personnel and argues that performing "a small number" of non-managerial tasks would not preclude the Beneficiary from meeting the statutory criteria for managerial capacity. The Petitioner further contends that the Director did not explain or substantiate a basis for concluding that the Beneficiary's position appears to be comprised primarily of non-managerial tasks that are akin to that of a team lead, arguing that the Director failed to consider the Beneficiary's job duties within the context of the previously submitted organizational chart, which depicts the Beneficiary as second from the top of the [redacted] Social Media Marketing Team's reporting hierarchy, overseeing the employees and contractors who carry out the team's operational tasks and subordinate directly to the corporate vice president of [redacted] marketing for [redacted]

Upon *de novo* review, we conclude that the Petitioner provided sufficient evidence, including evidence submitted on appeal, which clarifies the Beneficiary's role and duties in his U.S. position and distinguishes that role from those of his subordinates. The Petitioner also adequately demonstrated that the Beneficiary occupies a leadership role with respect to the [redacted] marketing communications function and that the Beneficiary's proposed position would more likely than not involve primarily managerial job duties.

In sum, the Petitioner provided sufficient evidence and established by a preponderance of the evidence that the Beneficiary would more likely than not be employed in a managerial capacity.

**ORDER:** The appeal is sustained.