U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF L-A- CORP.

DATE: SEPT. 26, 2019

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a data analytics company, seeks to continue the Beneficiary's temporary employment as its account manager under the L-1A nonimmigrant classification for intracompany transferees.[1] 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 Texas Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary was employed abroad in a managerial or executive capacity, or that she would be employed in the United States in a managerial or executive capacity under the extended petition.

On appeal, the Petitioner submits additional evidence and asserts that the Beneficiary's job in India as assistant manager was primarily managerial, and that her job as account manager in the United States will be primarily managerial.

Upon *de novo* review, we will sustain the appeal. We find that the Petitioner has submitted sufficient evidence establishing that the Beneficiary was more likely than not employed in India in a managerial capacity, and that she would more likely than not continue to be employed in the United States in a managerial capacity. Specifically, a review of the record shows that the Beneficiary has and will continue to primarily allocate her time to managerial duties and exercise discretion over the day-to-day operations of the Petitioner's client engagements. Further, her oversight over professional subordinates in India and in the United States is consistent with the statutory definition of managerial capacity at section 101(a)(44)(A) of the Act.

ORDER: The appeal is sustained.

Cite as *Matter of L-A- Corp.*, ID# 6014270 (AAO Sept. 26, 2019)

[1] The Petitioner previously filed an L-1A nonimmigrant visa petition on the Beneficiary's behalf which was approved for the period December 18, 2015, until August 22, 2018.