



**U.S. Citizenship
and Immigration
Services**

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

In Re: 20580465

Date: AUG. 18, 2022

Appeal of Texas Service Center Decision

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

The Petitioner is an [redacted] company engaged in providing [redacted] services with a [redacted] staff worldwide. It seeks to employ the Beneficiary temporarily as its “analytics 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. *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 Texas Service Center denied the petition concluding that the Petitioner did not establish, as required, that the Beneficiary was employed abroad and would be employed in the United States in a managerial capacity.¹ The Director questioned the Beneficiary’s authority to hire and fire personnel and determined that the Petitioner provided “limited information,” thus not meeting its evidentiary burden in establishing that the Beneficiary was employed abroad and would be employed in the United States in a managerial capacity.

On appeal, the Petitioner contends that the Director disregarded evidence that was submitted in response to a request for evidence (RFE), including statements from representatives of the Beneficiary’s foreign and U.S. employers, which contained information about the Beneficiary’s duties and roles in his former and current positions as well as information about the credentials and roles of his subordinates. The Petitioner asserts that the RFE response also contained sufficient supporting evidence about the Beneficiary’s discretionary authority over business and personnel matters, including his authority to actively make and weigh in on personnel decisions regarding his subordinates. Further, the Petitioner argues that not only did the previously submitted evidence establish that the Beneficiary’s subordinates, both abroad and in the United States, qualify as professional employees, but that they also assume supervisory roles in which they manage their own subordinate teams over whom the Beneficiary has and would have indirect managerial oversight.

¹ The Petitioner claims that the Beneficiary was employed abroad and would be employed in the United States in a managerial capacity and does not claim that either position is executive in nature.

In sum, the Petitioner contends that it has met its burden of establishing that the Beneficiary's former position abroad and his proposed position in the United States are consistent with the statutory definition of managerial capacity.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review of the record, we conclude that the Petitioner provided sufficient evidence and established by a preponderance of the evidence that the Beneficiary was and would more likely than not be employed in a managerial capacity. Therefore, we will sustain the appeal.

ORDER: The appeal is sustained.