



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

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

In Re: 22654684

Date: SEP. 28, 2022

Appeal of Texas Service Center Decision

Form I-140, Petition for Multinational Managers or Executives

The Petitioner, a [REDACTED] company, seeks to permanently employ the Beneficiary as a senior account executive in the United States under the first preference immigrant classification for multinational executives or managers. Immigration and Nationality Act (the Act) section 203(b)(1)(C), 8 U.S.C. § 1153(b)(1)(C).

The Director of the Texas Service Center denied the petition concluding the record did not establish, as required, that the Beneficiary was employed in a managerial or executive capacity in her former position abroad. Further, the Director determined the Petitioner did not demonstrate that the Beneficiary would be employed in the United States in a managerial or executive capacity.

On appeal, the Petitioner contends the Director erred by concluding that the evidence indicated that the Beneficiary was employed abroad and in the United States by someone other than the foreign employer and the Petitioner. The Petitioner also provides additional documentation it contends demonstrates that the Beneficiary would act in the United States, and acted abroad, in a managerial capacity.

Upon *de novo* review, we conclude that the record is sufficient to establish that the Beneficiary would, more likely than not, act as a function manager in the United States. The Petitioner has submitted a detailed U.S. duty description for the Beneficiary as a senior account executive indicating that she has been, and would be, primarily engaged in qualifying managerial tasks overseeing a clearly defined essential function of the company. Specifically, the evidence reflects that the Beneficiary would oversee and exercise discretionary authority over its major clients based in Latin America. The Petitioner provided documentation reflecting that the Beneficiary primarily delegated, and would delegate, non-qualifying operational tasks to subordinates within her function, including subordinate account executives and several other indirect reports providing services directly to its clients.

The Petitioner also submitted supporting documentation to substantiate that the Beneficiary would act as a senior manager within the Latin American function and that she exercised discretionary authority over it, as well as subordinates within this function. For instance, the Petitioner provided supporting documentation indicating that the Beneficiary delegated work to the members of her function supporting its Latin American clients, promulgated goals and policies to them, and made

recommendations on the performance of employees within her function. As such, the evidence demonstrates that the Beneficiary would primarily perform the duties of a function manager in the United States. *See* section 101(a)(44)(A)(ii) of the Act; *Matter of G- Inc.*, Adopted Decision 2017-05 (AAO Nov. 8, 2017).

In addition, the Petitioner has sufficiently established that the Beneficiary more likely than not acted as a function manager in her former position abroad as an account executive. In fact, the Beneficiary's role abroad appears very similar to her current role in the United States and the Petitioner submitted a detailed and credible duty description for this former position abroad. The Petitioner also submitted documentation indicating that the Beneficiary oversaw several other account executives and support employees providing services to its Latin American clients and that she exercised discretionary authority over them. In sum, the submitted evidence credibly demonstrates that the Beneficiary more likely than not was employed as a function manager abroad. Therefore, the Petitioner sufficiently established that the Beneficiary acted in a managerial capacity abroad. *Id.*

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has met that burden.

ORDER: The appeal is sustained.