



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

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

In Re: 19802837

Date: MAR. 9, 2022

Appeal of Texas Service Center Decision

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

The Petitioner, an insurance company, seeks to continue the temporary employment of the Beneficiary as its Regional Head of Strategy and Marketing under the L-1A classification for intracompany transferees. Section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 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 work temporarily in the United States 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 in a managerial or executive capacity and that it would employ the Beneficiary in a managerial or executive capacity in the United States under the extended petition. The matter is now before us on appeal.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter *de novo*. See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will sustain the appeal.

The Petitioner transferred the Beneficiary from its European operations to its U.S. headquarters to serve as its Regional Head of Strategy and Marketing in 2018. The Petitioner indicates that the Beneficiary reports directly to its President and is responsible for managing and overseeing the company's strategic planning, marketing, new business analysis and reporting, and strategic program management. Prior to his transfer to the United States, the Beneficiary was employed by the Petitioner's foreign subsidiary as its Chief of Staff/Head of Commercial Lines Underwriting and Reinsurance, where he collaborated with the organization's Chief Operating Officer to provide strategic direction, leadership, and oversight of the company's regional operations in various business regions as a top-level advisor. On appeal, the Petitioner claims that the Beneficiary's performance of the strategic development and management function in the U.S. and abroad is essential to ensuring the organization's growth and profitability.

The statutory definition of "managerial capacity" allows for both "personnel managers" and "function managers." See section 101(a)(44)(A) of the Act. The term "function manager" applies generally when a beneficiary does not directly supervise or control the work of a subordinate staff but instead is

primarily responsible for managing an essential function within the organization. *See* section 101(a)(44)(A)(ii) of the Act. If a petitioner claims that a beneficiary managed an essential function abroad, or will manage an essential function in the United States, it must clearly describe the duties performed, or to be performed, in managing the essential function. In addition, the petitioner must demonstrate that (1) the function is a clearly defined activity; (2) the function is ‘essential,’ i.e., core to the organization; (3) the beneficiary primarily managed (as opposed to performed), or will primarily manage (as opposed to perform), the function; (4) the beneficiary acted, or will act, at a senior level within the organizational hierarchy or with respect to the function managed; and (5) the beneficiary exercised, or will exercise, discretion over the function’s day-to-day operations. *Matter of G- Inc.*, Adopted Decision 2017-05 (AAO Nov. 8, 2017).

Here, the Petitioner has established by a preponderance of the evidence that the Beneficiary served as a function manager for a qualifying organization abroad. It has meaningfully described his duties as Chief of Staff/Head of Commercial Lines Underwriting and Reinsurance and has clearly defined the strategic development and management function that is essential to the foreign company’s reinsurance business. The Petitioner has also established that the Beneficiary primarily managed the function as opposed to performing the function by virtue of his delegation of strategy implementation to a team of subordinate managers. Furthermore, it has established that the Beneficiary acted at a senior level with respect to the function managed, and that the Beneficiary exercised discretion over the day-to-day operations of the function. The Petitioner explained that the Beneficiary served at a senior level within the foreign company’s organizational hierarchy and was not required to engage in the non-managerial, day-to-day operations of the company’s strategic development and management function pertaining to its reinsurance business operations. The evidence as a whole supports a conclusion that he primarily performed higher-level duties that are consistent with the definition of managerial capacity at section 101(a)(44)(A) of the Act.

In addition, the Petitioner sufficiently explained and documented how the strategic and business growth initiatives that fall under the Beneficiary’s management responsibilities in the U.S. position qualify as an “essential function” within its organization. The evidence demonstrates that the Beneficiary is charged with developing marketing strategy and provides a framework for those strategies to be implemented by individual country managers and their teams. The Petitioner provided a statement explaining why the company’s marketing, new business analysis, and strategic program management functions are essential to ensuring the company’s continued growth, along with evidence that the Beneficiary oversees a substantial budget in relation to the various specialty markets under his direction. The Petitioner has established, by a preponderance of the evidence, that the function is core to the organization’s activities. The record further establishes that the offered position of Regional Head of Strategy and Marketing is at a senior level within the organization and that it involves discretion over the day-to-day operations of the company’s strategic management and marketing functions. The Petitioner has established that the Beneficiary, more likely than not, will primarily perform duties consistent with the definition of managerial capacity at section 101(a)(44)(A) of the Act.

In sum, the Petitioner has met its burden to establish, by a preponderance of the evidence, that the Beneficiary was employed abroad, and will be employed under the extended petition, in a managerial capacity. Accordingly, we will sustain the appeal.

**ORDER:** The appeal is sustained.