



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

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

MATTER OF G-N-A, INC.

DATE: MAY 24, 2018

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a manufacturer of metal components, seeks to permanently employ the Beneficiary as its “Manager – Die Engineering” under the first preference immigrant classification for multinational executives or managers. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(C), 8 U.S.C. § 1153(b)(1)(C). This classification allows a U.S. employer to permanently transfer a qualified foreign employee to the United States to work in a managerial or executive capacity.

The Director of the Nebraska Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary would be employed in a managerial capacity. The Director pointed to a discrepancy between the original organizational chart and the one the Petitioner provided in response to a request for evidence, and found that the Beneficiary’s subordinates are not professionals.

On appeal, the Petitioner explains and resolves the discrepancy between two previously submitted organizational charts. The Petitioner also points to the Beneficiary’s job duties, the job duties and credentials of his subordinates, and the complexity of its own organizational structure. The Petitioner asserts that sufficient evidence has been provided to meet the preponderance of the evidence standard in establishing that the Beneficiary has been and will continue to be employed in a managerial capacity. We agree and find that despite the Director’s focus on the Beneficiary’s role as a personnel manager, the record contains sufficient evidence to show that the proposed position places the Beneficiary in the alternative role of a function manager, as he will “continue to manage the Die Engineering functions” by focusing on the Petitioner’s multiple U.S.-based manufacturing plants to ensure quality products and customer satisfaction.

Upon *de novo* review of the totality of the evidence, we find that the Petitioner has established that the Beneficiary would more likely than not be employed in a managerial capacity. Therefore, we will sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of G-N-A, Inc.*, ID# 1264707 (AAO May 24, 2018)