



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

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

In Re: 6739058

Date: NOV. 21, 2019

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petitioner for Multinational Managers or Executives

The Petitioner, a global consulting firm, seeks to permanently employ the Beneficiary 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 on multiple grounds, concluding that the record did not establish, as required, that: (1) the Beneficiary would be employed in the United States in a managerial or executive capacity and (2) the Beneficiary had been employed in a managerial or executive capacity in his former position abroad.

On appeal, the Petitioner asserts that the Beneficiary qualifies as a personnel and function manager in the United States, indicating that he both oversees an essential function and supervises subordinate professionals. Likewise, the Petitioner asserts that the Beneficiary acted in a similar role abroad as a function and personnel manager.

Upon *de novo* review, we conclude that the record is sufficient to establish that the Beneficiary more likely than not will act in a managerial capacity in the United States. The Petitioner has submitted a detailed description of the Beneficiary's U.S. duties indicating that he will be primarily engaged in qualifying managerial tasks overseeing an essential function within the human resources department of the company. In addition, the Petitioner provided credible and detailed evidence demonstrating that the Beneficiary more likely than not will delegate a majority of non-qualifying operational tasks to subordinate professionals, including subordinate human resources administrators and various human resource managers within different departments throughout the company. As such, the evidence demonstrates that the Beneficiary will primarily perform the duties of a function manager in the United States.

In addition, the Petitioner has demonstrated that the Beneficiary acted as a function manager in his former capacity abroad. In fact, the Beneficiary's role abroad appears to be very similar to his role in the United States and the Petitioner has submitted a detailed and credible duty description for his former position abroad. The Petitioner also provided documentation indicating that the Beneficiary oversaw subordinate professionals and he exercised full discretionary authority over the planning, analysis, and forecasting of the foreign employer's recruiting activities. In sum, the submitted

evidence credibly demonstrates that the Beneficiary more likely than not devoted a majority of his time to qualifying managerial tasks abroad. Therefore, the Petitioner sufficiently established that the Beneficiary acted as a function manager in his former capacity abroad.

The totality of the evidence establishes that: (1) the Beneficiary will more likely than not be employed in a managerial capacity in the United States and (2) he was employed in a managerial capacity in his former capacity abroad. 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.