



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

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

In Re: 24227595

Date: JAN. 19, 2023

Appeal of Texas Service Center Decision

Form I-140, Petition for Multinational Managers or Executives

The Petitioner, a commodity trading company, seeks to permanently employ the Beneficiary as “Legal Counsel for North America and Latin America” 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 would be employed in the United States in a managerial or executive capacity. Further, the Director determined the Petitioner did not demonstrate that the Beneficiary had been employed in a managerial or executive capacity in his former position abroad.

On appeal, the Petitioner contends that the Director did not sufficiently consider that the Beneficiary would qualify as a function manager in the United States and that he was previously employed in a similar qualifying role abroad.

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 submitted a detailed U.S. duty description for the Beneficiary reflecting his responsibility to act as legal counsel supporting its North and Latin American operations and indicating that he 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 the company’s mergers and acquisitions, litigation, and other legal matters within these regions, including extensive discretionary authority related to hiring and managing the work of outside counsel. The Petitioner provided documentation reflecting that the Beneficiary primarily delegated, and would delegate, non-qualifying operational tasks to various outside counsel he selected to support his function. The Petitioner also submitted supporting documentation to substantiate that the Beneficiary will act as the most senior employee within his legal function and that he exercised discretionary authority over it. 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 his former position abroad as legal counsel for Latin America. In fact, the Beneficiary's role abroad was very similar to his current role in the United States and the Petitioner submitted a detailed and credible duty description for his former position abroad. The Petitioner also submitted documentation indicating that the Beneficiary, much like his role in the United States, selected and oversaw outside counsel to handle mergers and acquisitions, litigation, and other legal matters taking place within his region. 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 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; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012). The Petitioner has met that burden.

ORDER: The appeal is sustained.