



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

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

MATTER OF P-E- CORP.

DATE: SEPT. 24, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a manufacturer of electrical components for automobiles, seeks to permanently employ the Beneficiary as a logistics manager 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). This classification allows a U.S. employer to permanently transfer a qualified foreign employee to the United States to work in an executive or managerial capacity.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary would be employed in a managerial or executive capacity.

On appeal, the Petitioner asserts that the Beneficiary qualifies as a personnel manager based on his supervision of a subordinate manager. Further, the Petitioner asserts that the Beneficiary would be primarily relieved from performing non-qualifying operational duties by the members of the logistics department he manages.

Upon *de novo* review, we conclude that the record is sufficient to establish that the Beneficiary would more likely than not act in a managerial capacity. First, the Petitioner has submitted a detailed duty description for the Beneficiary indicating that he will be primarily engaged in qualifying managerial tasks overseeing the company's logistics department consisting of several employees. In addition, the evidence demonstrates that the Beneficiary will oversee a supervisory employee supervising five subordinates of his own. The submitted evidence also sufficiently establishes that the Beneficiary has the authority to hire, fire, and take other personnel actions with respect to the members of his department, including the subordinate manager he oversees. Further, the submitted evidence demonstrates that the members of the Beneficiary's department will more likely than not relieve him from primarily performing non-qualifying operational level tasks. As such, the evidence demonstrates that the Beneficiary qualifies as a personnel manager. 8 C.F.R. § 204.5(j)(2).

The totality of the evidence establishes that the Beneficiary will more likely than not be employed in a managerial capacity.

*Matter of P-E- Corp.*

**ORDER:** The appeal is sustained.

Cite as *Matter of P-E- Corp.*, ID# 1689999 (AAO Sept. 24, 2018)