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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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MAY 06 2005

FILE: WAC 98 197 54101 Office: CALIFORNIA SERVICE CENTER Date:

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

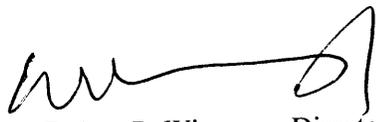
PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the employment-based petition. The Administrative Appeals Office (AAO) remanded the matter noting that if the director required further evidence, the director should issue a written request for evidence. The AAO required that the director's new decision, if adverse to the petitioner, be certified to the AAO for review. The matter is now before the AAO on certification. The director's decision will be affirmed.

On April 29, 2003, Citizenship and Immigration Services reopened the matter and requested evidence affording the petitioner 12 weeks to respond. The petitioner failed to provide any response. The director denied the petition, citing the regulation at 8 C.F.R. section 103.2(b)(13) that states in pertinent part: "If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied." As requested, the director certified his decision to the AAO for review.

As the petitioner failed to provide the requested evidence, the director properly denied the petition. In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The director's decision is affirmed.