U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: SEP 30 2004

IN RE: Petitioner: [redacted]
Beneficiary:

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

identifying data deleted to prevent clearly unwarranted invasion of personal privacy
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DISCUSSION: The director denied the employment-based preference visa petition and the matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed based upon its withdrawal by the petitioner.

The petitioner is a California corporation that sought to employ the beneficiary as its president. The petitioner, therefore, endeavored to classify the beneficiary as a multinational executive or manager pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C).

The director denied the petition on June 15, 2003 because the proffered position is not in a managerial or executive capacity. The petitioner appealed the director's decision on July 14, 2003. On February 11, 2004, however, the director of the California Service Center received a letter from the petitioner's Chief Executive Officer (CEO) who stated:

> Our office hereby advises the [C]itizenship and Immigration Service that it is withdrawing its support of the L-1 [s]tatus for [the beneficiary], a national of India. Effective immediately, [the beneficiary] is no longer employed as President or in any capacity with our company and is no longer on the company payroll. . . .

The CEO's remarks are a withdrawal of the petitioner's support to employ the beneficiary permanently as its president pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C). Accordingly, the AAO will dismiss the appeal based upon the CEO's statements.

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. The petitioner has not met that burden.

ORDER: The appeal is dismissed. The petition is denied.