Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

PUBLIC COPY

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

U.S. Citizenship and Immigration Services

B4

[redacted]

MAY 11 2005

FILE: WAC 97 048 51420 Office: CALIFORNIA SERVICE CENTER Date:

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

DISCUSSION: The Director, California Service Center, initially approved the employment-based petition. The director issued a notice of intent to revoke and ultimately revoked approval of the petition. The Administrative Appeals Office (AAO) remanded the matter. 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.

Upon remand of the matter, the director issued a service motion to reopen and request for evidence on several issues including the issue of the beneficiary's managerial or executive capacity for the United States entity. The director afforded the petitioner 90 days to provide a response. The petitioner failed to provide any response. On August 18, 2004, the director noted that no communication had been received from the petitioner and revoked approval of the petition. As requested, the director certified his decision to the AAO for review.

The record does not demonstrate the beneficiary's eligibility for this visa classification. 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.