

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

By

FILE:

[REDACTED]  
WAC 05 157 52785

Office: CALIFORNIA SERVICE CENTER

Date:

**AUG 15 2006**

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:

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The preference visa petition was denied by the Director, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The petitioner was established in 1998 in the state of California. The petitioner is engaged in the importing and distribution of sporting equipment and seeks to employ the beneficiary as its general manager. Accordingly, the petitioner endeavors to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager.

The director denied the petition based on the determination that the petitioner failed to provide evidence consistent with its claim regarding a qualifying relationship with the beneficiary's foreign employer. More specifically, the director noted that the petitioner failed to document the claimed purchase of 200,000 shares of the petitioner's stock by [REDACTED] the petitioner's claimed parent company. The director concluded that of the 320,000 shares purportedly purchased by the parent entity, only the purchase of 120,000 shares has been documented.

On appeal, counsel disputes the director's conclusion and provides adequate contemporaneous evidence documenting [REDACTED] purchase of all 320,000 shares of the petitioner's outstanding stock. With regard to the foreign entity's ownership of the 200,000 shares in question, the petitioner's corroborating documentation includes the minutes of organizational meeting dated September 20, 1999. The document states that the 200,000 shares that were originally issued to [REDACTED] were transferred to [REDACTED] in exchange for a specified monetary sum. The transfer is further documented via stock certificate no. 2 and the petitioner's stock transfer ledger.

The petitioner also provided copies of two wire transfer receipts, one dated March 12, 1998 and another dated April 29, 1998, which cumulatively establish that [REDACTED] compensated the petitioner \$200,000 for its ownership of the 200,000 shares of stock initially issued by the petitioner. As stated above, [REDACTED] provided sufficient documentation to establish its purchase of [REDACTED] which included [REDACTED] ownership of the 200,000 shares of the petitioner's stock. With regard to the remaining 120,000 shares of the petitioner's stock, the petitioner provided a copy of another wire transfer receipt dated October 12, 2002. The receipt indicates that \$120,000 was debited from [REDACTED] account in Hong Kong and wire transferred to the petitioner's Citi Bank account in the United States (with the exception of a transfer fee of \$15). Thus, the AAO concludes that the petitioner has provided sufficient evidence to establish its qualifying relationship with the foreign entity and withdraws the director's decision. The AAO sees no further grounds for ineligibility in the instant matter.

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 sustained that burden.

**ORDER:** The appeal is sustained.