

(b)(6)



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

DATE: **APR 17 2013** OFFICE: TEXAS SERVICE CENTER

FILE: [REDACTED]

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

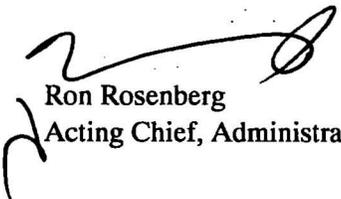
PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:
[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,


Ron Rosenberg
Acting Chief, Administrative Appeals Office

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

The petitioner is a corporation that is ultimately wholly owned by [REDACTED] in Japan. As part of a global organization, the petitioner and its related enterprises are engaged in the manufacture, marketing, and sale of consumer and professional electronics. It seeks to employ the beneficiary as the Information Systems Engineer/Facilities Manager. Accordingly, the petitioner endeavors 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).

On January 24, 2012, the director denied the petition on the following grounds: (1) the petitioner failed to establish that the beneficiary's employment abroad was within a qualifying managerial or executive capacity; and, (2) the petitioner failed to establish that the petitioner has been doing business in the United States for at least one year.

Upon review of the record, the AAO will withdraw the director's decision and sustain the appeal. The director noted in the decision that the petitioner failed to submit evidence that was specifically requested in the director's request for evidence. Upon review of the record, the response to the request for evidence included all of the documents and information requested by the director. Specifically, the petitioner provided a detailed job description of the job duties performed by the beneficiary with both the foreign company and the petitioner; the petitioner also provided an organizational chart indicating the subordinates supervised by the beneficiary abroad and with the petitioner. The petitioner submitted sufficient evidence to establish eligibility for this immigrant visa.

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 been met. Accordingly, the appeal will be sustained.

ORDER: The appeal is sustained.