

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

B4



FILE:

WAC 02 173 50183

OFFICE: CALIFORNIA SERVICE CENTER Date: NOV 01 2006

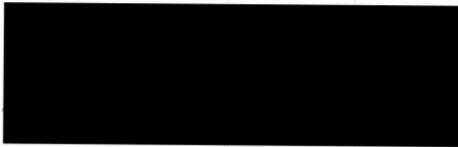
IN RE:

Petitioner:  
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:



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 approved on May 29, 2003 by the Director, California Service Center. The director subsequently made a number of procedural errors, which ultimately led to the denial of the petition on April 9, 2004. The matter was certified to the Administrative Appeals Office (AAO) for review. On February 22, 2005, the AAO remanded the matter back to the service center and instructed the director to issue a notice of intent to revoke (NOIR) and to certify the matter back to the AAO upon entry of a new decision. The director subsequently issued an NOIR dated July 6, 2005. Upon reviewing the petitioner's response to the NOIR, the director determined that the petitioner provided sufficient evidence and information to overcome the grounds cited in the NOIR and approved the petition. The director's decision has been certified to the AAO for review. The AAO will affirm the director's approval of the petition.

The petitioner is a corporation formed under the laws of Bermuda in May 1999. Its U.S. headquarters are located and registered in the State of California. The petitioner is engaged in the business of operating multiple cruise ships and seeks to employ the beneficiary as its production shows coordinator. 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.

In the NOIR, the director referred to the beneficiary's past and proposed position descriptions as provided by the petitioner. The director determined that based on those descriptions the petitioner failed to establish that the beneficiary had been employed abroad and would be employed in the United States in a qualifying managerial or executive capacity. In the NOIR response dated August 4, 2005, counsel addressed the director's specific concerns and provided additional information about the duties and responsibilities of the beneficiary with regard to her prior position abroad as well as her proposed position in the United States.

Accordingly, the director properly determined that the petitioner met the preponderance of the evidence standard in establishing its eligibility for the benefit sought. As such, in light of the instant record of proceeding, which supports the director's decision to approve the petition, the director's decision is affirmed.

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 in the instant case has sustained that burden.

**ORDER:** The director's approval of the petitioner's Form I-140 is hereby upheld.