

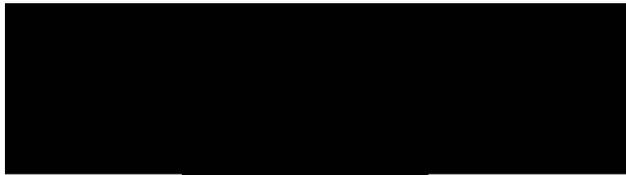
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U.S. Department of Homeland Security
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FILE: [REDACTED]
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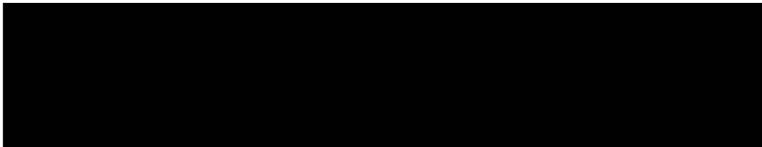
OFFICE: CALIFORNIA SERVICE CENTER Date:

FEB 05 2007

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DISCUSSION: The approval of the preference visa petition was revoked by the Director, California Service Center.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 is a California corporation engaged in the business of distributing auto parts in the automotive industry. It 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.

In a decision dated April 13, 2006, the director revoked the approval of the petition based on the determination that the petitioner failed to provide adequate documentation to support its claimed indirect parent/subsidiary relationship with the beneficiary's foreign employer. The director cited what he perceived to be factual inconsistencies and concluded that the petitioner failed to provide sufficient documentation to resolve those inconsistencies. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

On appeal, counsel disputes the director's conclusions and submits a brief addressing each of the points of contention cited in the notice of revocation. Counsel also provided corroborating documentation in support of the explanations, thereby resolving the director's perceived inconsistencies.

On review, based on the evidence of record and the additional evidence submitted on appeal, the AAO finds that the petitioner has overcome the sole ground of the director's denial. The AAO sees no other grounds for denying the petition.

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 appeal is sustained.