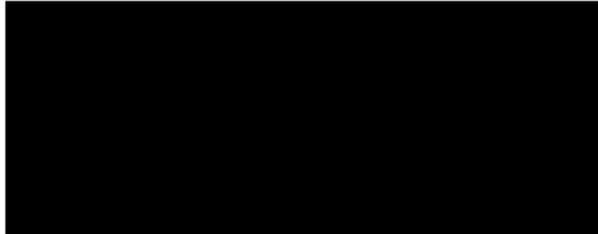


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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



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



B4

DATE: JUL 11 2012

OFFICE: TEXAS SERVICE CENTER



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:

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,

Perry Rhew
Chief, Administrative Appeals Office

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

The petitioner is engaged in the "export of building materials and agent," and it seeks to employ the beneficiary [REDACTED]. 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 on the following grounds: (1) the petitioner failed to establish that the beneficiary's employment abroad was within a qualifying managerial or executive capacity, (2) the petitioner failed to establish that the petitioner has been doing business in the United States for at least one year, and (3) the petitioner failed to establish the ability to pay the beneficiary's proffered wage.

Upon review of the record, the AAO withdraws the director's decision and sustains the appeal. The petitioner provided a detailed job description of the job duties performed by the beneficiary with the foreign company, and provided an organizational chart indicating the subordinates supervised by the beneficiary. The petitioner also provided tax documents, invoices, lease agreement and bank statements evidencing that the petitioner has been doing business for over a year. Finally, the petitioner provided tax documents to establish that it can pay the beneficiary's proffered wage.

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.