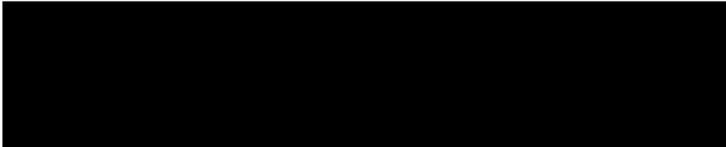


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prevent clearly unwarranted
invasion of personal privacy

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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**

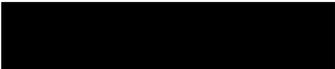


B4

DATE: JUN 14 2012

OFFICE: NEBRASKA SERVICE CENTER

FILE: 


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

www.uscis.gov

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

The petitioner is an airline, and it seeks to employ the beneficiary as 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 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 beneficiary will be employed in the U.S. in a qualifying managerial or executive capacity.

Upon review of the record, the AAO withdraws the director's decision and sustains the appeal. The Form I-129 indicates that the beneficiary will be employed in the position of General Manager, "who is the most senior-level executive in the Seattle Office," and who will supervise 40 full-time employees. The petitioner provided a job description and an organizational chart of the petitioner.

In addition, the petitioner provided a 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 has adequately demonstrated that the beneficiary has been and will be employed in a primarily managerial capacity.

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.