

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**

[Redacted]

DATE: **MAY 21 2013**

OFFICE: TEXAS SERVICE CENTER

[Redacted]

IN RE: Petitioner:
 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:

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.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

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 The decision of the director will be withdrawn and the appeal will be sustained.

The petitioner is a multinational corporation operating a cruise line where the beneficiary has been employed in the position of food and beverage revenue and compliance manager. The petitioner claims 89,000 employees worldwide and over \$13 billion in gross income. 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 September 25, 2012, the director denied the petition based on the determination that the cruise ship where the beneficiary's employment abroad was located does not qualify as a branch of the petitioning entity. The director determined that in order to qualify as a branch of the petitioner, the branch must be located at a permanent location that is different from the location of the parent company. The director's determination was apparently based on the presumption that the cruise ship that the foreign entity owns and operates is equivalent to the entity's business locale, i.e., the location where the company conducts its business.

On appeal, counsel submits a detailed appellate brief as well as additional supporting evidence, establishing that the petitioner's cruise ship qualifies as a foreign branch of the U.S. employer because the cruise ship where the beneficiary was employed as well as the entire fleet of [REDACTED] ships are considered to have [REDACTED] nationality based on the fact that they carry the [REDACTED] which determines the ships' country of nationality. The AAO notes that the petitioner provided sufficient evidence to establish its [REDACTED] nationality. It is further noted that the petitioner is a foreign entity that conducts business while on the high seas and while docked in numerous ports worldwide through its in-port excursions.

Accordingly, the petitioner has overcome the sole basis for denial. The AAO finds no other grounds for denying the instant 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 met that burden.

ORDER: The appeal is sustained.