



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE: **APR 20 2015** OFFICE: NEBRASKA SERVICE CENTER

FILE: [Redacted]

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:

[Redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

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

The petitioner is a California corporation that operates as a restaurant. It seeks to employ the beneficiary in the United States as its controller. 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, concluding that the petitioner failed to establish that the beneficiary's proposed position in the United States and her former position with the foreign parent entity can be deemed as employment in a qualifying managerial or executive capacity.

I. The Law

Section 203(b) of the Act states in pertinent part:

(1) Priority Workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):

* * *

(C) Certain Multinational Executives and Managers. -- An alien is described in this subparagraph if the alien, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this subparagraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

The language of the statute is specific in limiting this provision to only those executives and managers who have previously worked for a firm, corporation or other legal entity, or an affiliate or subsidiary of that entity, and who are coming to the United States to work for the same entity, or its affiliate or subsidiary.

A United States employer may file a petition on Form I-140 for classification of an alien under section 203(b)(1)(C) of the Act as a multinational executive or manager. No labor certification is required for this classification. The prospective employer in the United States must furnish a job offer in the form of a statement which indicates that the alien is to be employed in the United States in a managerial or executive capacity. Such a statement must clearly describe the duties to be performed by the alien.

Section 101(a)(44)(A) of the Act, 8 U.S.C. § 1101(a)(44)(A), provides:

The term "managerial capacity" means an assignment within an organization in which the employee primarily--

- (i) manages the organization, or a department, subdivision, function, or component of the organization;
- (ii) supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;
- (iii) if another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization), or if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and
- (iv) exercises discretion over the day-to-day operations of the activity or function for which the employee has authority. A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor's supervisory duties unless the employees supervised are professional.

Section 101(a)(44)(B) of the Act, 8 U.S.C. § 1101(a)(44)(B), provides:

The term "executive capacity" means an assignment within an organization in which the employee primarily--

- (i) directs the management of the organization or a major component or function of the organization;
- (ii) establishes the goals and policies of the organization, component, or function;
- (iii) exercises wide latitude in discretionary decision-making; and
- (iv) receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.

II. Factual Background and Procedural History

The record shows that the petition was filed on July 23, 2013. The petition was accompanied by a supporting statement, dated July 16, 2013, in which the petitioner listed 22 job duties and responsibilities for which the beneficiary would be responsible in her proposed position as controller of the U.S. entity. The petitioner further stated that the beneficiary's employment abroad involved direct oversight of "high-level" managerial employees and indirect supervision of more than 50 other employees. The petitioner also provided organizational charts depicting the beneficiary's respective positions with both entities. In addition, the petitioner provided evidence in the form of tax, banking, and business documents.

On April 14, 2014, the director issued a request for evidence (RFE), informing the petitioner that the record lacked sufficient evidence to establish that the beneficiary's former and proposed positions with the foreign and petitioning entities, respectively, fit the criteria for employment within a qualifying managerial or

executive capacity. Accordingly, the petitioner was instructed to provide a definitive statement pertaining to the beneficiary's former and proposed positions listing the beneficiary's respective job duties with each entity and the percentage of time allocated to each of her assigned tasks. The petitioner was also asked to provide the names, job titles, brief job descriptions, and educational credentials of the beneficiary's foreign and U.S. subordinate staff.

The petitioner's response included a statement, dated May 28, 2014, which included general information about the beneficiary's claimed employment with the foreign entity. The signature line on the letter indicated that it was authored by the foreign entity's board chairman. The petitioner also provided the foreign entity's organizational chart and a separate document listing the company's employees, job titles, job descriptions, educational requirements of each position, and the respective salary of each employee. The petitioner also provided description of the beneficiary's proposed position. The job description consisted of the same 22 elements that were provided in the original job description and was supplemented with a time allocation indicating the percentage of time the beneficiary planned to spend carrying out of the 22 assigned duties and responsibilities. The petitioner also provided its updated organizational chart and separate list of each employee's current position, educational credentials, and salary. In addition, the petitioner provided a photocopy of an unsigned letter, dated March 11, 2014, from the company president, who referenced the petitioner's "new restaurant site" at a business development center.

After reviewing the petitioner's submissions, the director determined that the petitioner failed to establish eligibility and therefore issued a decision dated July 9, 2014, denying the petition. The director noted that the petitioner failed to establish that the beneficiary had hiring and firing authority over subordinates. The director also pointed out that the beneficiary's job description lacked the requested time allocations indicating what percentage of time was spent on the duties assigned to her in her position as vice general manager. With regard to the beneficiary's proposed employment, the director pointed to anomalies in the petitioner's originally submitted organizational chart, where two of the company's employees – the beneficiary and the company's president – were depicted as assuming subordinate roles within the organization in addition to the managerial and executive roles they assumed as the two top-most employees in the petitioner's organizational hierarchy. The director focused on the petitioner's organizational hierarchy at the time of filing, questioning how the petitioner would have been able to relieve the beneficiary from having to allocate her time primarily to the company's daily operational tasks given that the petitioner's organizational chart showed the beneficiary as occupying the position of business expansion and marketing manager, a position depicted as being one of the beneficiary's direct subordinates, in addition to the beneficiary's proffered position as the company's controller.

On appeal, the petitioner submits an appellate brief, disputing the director's findings with regard to the beneficiary's former and proposed employment. The petitioner contends that both positions fit the statutory definition of managerial capacity and addresses each position in separate portions of the appellate brief.

Upon review, and for the reasons stated below, we find that the petitioner has failed to establish that the beneficiary's proposed position with the petitioning entity or her former position abroad with the petitioner's parent entity can be classified as positions that fall within the statutory parameters of managerial or executive capacity.

III. Issues on Appeal

As indicated above, the two primary issues to be addressed in this proceeding are whether the petitioner provided sufficient evidence to establish that the beneficiary was employed abroad and would be employed by the petitioning entity in a qualifying managerial or executive capacity.

A. Qualifying Employment in the United States

First, we will address the beneficiary's proposed position with the petitioning entity. In general, when examining the executive or managerial capacity of a given position, we review the totality of the record, starting first with the description of the beneficiary's proposed job duties with the petitioning entity. See 8 C.F.R. § 204.5(j)(5). Published case law has determined that the duties themselves will reveal the true nature of the beneficiary's employment. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F.2d 41 (2d. Cir. 1990). We then consider the beneficiary's job description in the context of the petitioner's organizational structure, the duties of the beneficiary's subordinates, and any other relevant factors that may contribute to a comprehensive understanding of the beneficiary's actual duties and role within the petitioning entity.

Turning first to the beneficiary's job description, we note that a number of the beneficiary's assigned job duties are not substantiated by the evidence of record with regard to the petitioner's staffing at the time the petition was filed. First, with regard to No. 4 of the job description – supervising accounting, operation and marketing staff and coordinating financial and marketing planning and record – to which the petitioner allocated 32% of the beneficiary's time, the petitioner's original organizational chart identifies the beneficiary and the company president as the the business expansion and marketing manager and the operations manager, respectively, thus indicating that a portion of the beneficiary's time would be spent managing herself and an employee who is also depicted as the beneficiary's superior in another job capacity. Despite the petitioner's claim in its June 12, 2014 RFE response statement, which indicates that the position of business expansion and marketing manager was actually vacant and that the petitioner erroneously depicted the beneficiary as filling that position, the fact remains that the petitioner failed to establish who was actually performing the underlying job duties assigned to the vacant position at the time of filing; nor did the petitioner explain how the vacancy would have affected the beneficiary's job duties at the time of filing. If the beneficiary's job would involve overseeing three managerial positions, one of which was vacant at the time the petition was filed, we cannot rule out the possibility that the beneficiary would have had to perform the underlying tasks of that position until someone was hired to fill the vacancy.

Further, while it is plausible that the beneficiary's superior may have to do double duty in carrying out the job duties of two separate positions due to the needs of the petitioner, it is unreasonable to assert that the individual who generally assumes the top-most role as the petitioner's president, would assume a role of the beneficiary's subordinate, regardless of the operation manager's job duties and placement within the petitioner's organizational hierarchy. The petitioner must submit evidence that substantiates the beneficiary's duties and the duties of her subordinates such that the job duties correspond to the employees' respective placements in an organization's structural hierarchy; artificial tiers of subordinate employees and inflated job titles are not probative and will not establish that an organization is sufficiently complex to support an executive or manager position. An individual whose primary duties are those of a first-line supervisor will not be considered to be acting in a managerial capacity merely by virtue of his or her supervisory duties unless the employees supervised are professional. Section 101(a)(44)(A)(iv) of the Act.

In addition, the petitioner's original organizational chart depicts an administration manager as the direct superior who would oversee the work of two head chefs and a dining room manager. As the petitioner has not provided job descriptions for any employees other than the beneficiary, it is unclear why an administration manager, whose tasks are likely to be focused on office tasks, would be charged with overseeing three managerial restaurant employees. Again, given the petitioner's failure to provide job descriptions pertaining to the employees of the petitioning entity, the record lacks sufficient supporting evidence to justify the organizational hierarchy was illustrated in the petitioner's organizational chart. Further, while the beneficiary's job description indicates that the beneficiary would allocate 5% of her time to directing the creation of a system for integrating daily activities, 3% to directing the preparation of daily revenue reports and cash flow, and 2% to reviewing, analyzing, and presenting financial and account reports, the petitioner failed to establish who actually assumes the underlying responsibilities of creating the system or preparing the various types of reports that the beneficiary would examine. Despite the director's express RFE instruction asking the petitioner to provide summaries of employee job duties, the petitioner failed to provide the requested information, which could have provided valuable insight as to how the petitioning entity functions and who performs the various operational tasks, which the beneficiary is responsible for overseeing. Failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14). Furthermore, going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

The petitioner also indicated that 5% of the beneficiary's time would be allocated to establishing employee performance standards and evaluating employee performances, 5% would be allocated to evaluating, promoting, and firing supervisory workers, and .5% would be allocated to signing final discipline notices. All three job duties require the beneficiary to oversee a subordinate staff. However, given the unanswered questions and anomalies regarding the two managerial positions that are depicted as being directly subordinate to the beneficiary, it is unclear how the beneficiary would execute these personnel management tasks or to whom specifically the beneficiary's oversight would apply. In other words, given that the business expansion and marketing manager position was vacant and the time of filing and in light of the claim that the company's top-most executive would carry out the tasks of the operations manager, it is unclear which employees the beneficiary would actually oversee. The staffing composition that was present at the time of filing indicates that the only top-tier management position that may have been filled by a true subordinate employee was that of accounting manager.¹ The record does not establish that the petitioner was equipped with the management positions that were described as being within the beneficiary's immediate managerial purview. *See id.* A company's size alone, without taking into account the reasonable needs of the organization, may not be the determining factor in denying a visa to a multinational manager or executive. Section 101(a)(44)(C) of the Act, 8 U.S.C. § 1101(a)(44)(C). Instead, the beneficiary's duties must be the critical factor. However, if USCIS fails to believe the facts stated in the petition are true, then that assertion may be rejected. Section 204(b) of the Act, 8 U.S.C. § 1154(b); *see also Systronics Corp. v. INS*, 153 F. Supp. 2d 7, 15 (D.D.C. 2001).

¹ The individual named as the petitioner's accounting manager was not included in the petitioner's quarterly wage report for the 2013 second quarter. The petitioner did not provide a quarterly wage report for the 2013 third quarter, which may have established when [REDACTED] assumed the position of accounting manager.

In addition, the petitioner did not clarify what is meant by "setting up and adjusting the management structure" or "adding a marketing team," which would cumulatively comprise another 5% of the beneficiary's time. Based on the information offered via the petitioner's organizational chart, the petitioner claimed to have had a management structure in place at the time the petition was filed. It is therefore unclear what types of adjustments the beneficiary would make to that structure. Further, while it is plausible that the beneficiary would be charged with filling the vacancy in the marketing department, the underlying question is who would perform the job duties of the business expansion and marketing manager in the interim, while the position remains vacant. A petitioner must establish eligibility at the time of filing; a petition cannot be approved at a future date after the petitioner or beneficiary becomes eligible under a new set of facts. *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971). Given the precedent decision, it is therefore reasonable to expect the petitioner to establish that it was able to relieve the beneficiary from having to primarily perform non-qualifying tasks based on the staffing composition that existed at the time of filing rather than a more developed personnel structure that may have come to fruition at a later date, as indicated in the more recently submitted organizational chart, which reflects the new employee acquired after the petition was filed. Thus, focusing on the correct organizational chart, we find that the petitioner's claim that the beneficiary would allocate 5% of her time to evaluating marketing and operation managers' proposals is inconsistent with the staffing that existed at the time of filing. As previously pointed out, the petitioner did not employ a marketing manager at the time of filing. Further, while the petitioner indicates that the company president filled, and continues to fill, the operations manager position, the fact remains that this individual would not be the beneficiary's true subordinate, whose work the beneficiary could evaluate and over whom the beneficiary could have hiring and firing authority, despite of the petitioner's creation of an organizational chart that depicts the operations manager at a lower tier within the petitioner's organizational hierarchy.

Lastly, the petitioner indicated that 5% of the beneficiary's time would be allocated to holding management meetings to review and make decisions regarding business contracts and another 3% of her time would be allocated to holding weekly management meetings. The petitioner failed to make a valid distinction between these two sets of job duties, both of which seemingly convey the same basic point – that the beneficiary would meet with subordinate managers. Moreover, given the questions arising from one vacant managerial position and one managerial position assumed by an employee who is technically the beneficiary's superior, the petitioner's staffing composition would leave the beneficiary with a management team comprised of a single employee – the accounting manager. As the petitioner failed to provide job descriptions for the beneficiary's subordinates, we are unable to properly assess the validity of the petitioner's claims that specifically pertain to the time the beneficiary would spend meeting with subordinate managers and, more broadly, with regard to the beneficiary's oversight of managerial employees

While the beneficiary is not statutorily required to allocate 100% of her time to managerial- or executive-level tasks, the petitioner must establish that the non-qualifying tasks the beneficiary would perform are only incidental to the proposed position. An employee who "primarily" performs the tasks necessary to produce a product or to provide services is not considered to be "primarily" employed in a managerial or executive capacity. See sections 101(a)(44)(A) and (B) of the Act (requiring that one "primarily" perform the enumerated managerial or executive duties); see also *Matter of Church Scientology International*, 19 I&N Dec. 593, 604 (Comm. 1988). Whether the beneficiary is a managerial or executive employee turns on whether the petitioner has sustained its burden of proving that his duties are "primarily" managerial or executive. See sections 101(a)(44)(A) and (B) of the Act.

On appeal, the petitioner objects to the director's finding that it lacks organizational complexity, referring to the organizational chart where the beneficiary is depicted at the top of the hierarchy overseeing other managerial employees with subordinates of their own. However, as discussed above, the petitioner has not provided sufficient evidence to corroborate the information put forth either in its organizational chart or in the beneficiary's job description. As previously stated, the unsupported assertions that the petitioner puts forth via job descriptions or an organizational chart are not sufficient to meet the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165. While the petitioner asserts that the instant petition warrants approval, the discussion above points to considerable evidentiary deficiencies. We find that the petitioner did not adequately support the claims it put forth with regard to the beneficiary's proposed employment and thus failed to establish that the beneficiary would be employed in the United States in a qualifying managerial or executive capacity.

B. Qualifying Employment Abroad

Next, turning to the beneficiary's former employment with the foreign entity, we conduct a similar comprehensive analysis of the record, starting with a review of the job duties the beneficiary performed during her employment abroad.

In its initial July 16, 2013 supporting statement, the petitioner stated that the beneficiary had been employed by the Chinese parent entity in the position of assistant general manager. The petitioner stated that the beneficiary originally worked for the parent entity from December 2007 to December 2010 and subsequently resumed her position with that entity in December 2011. The petitioner stated that, in addition to "local duties," the beneficiary was "entrusted with exploring a wider range of opportunities, coalition, or investment for the company." The petitioner also provided the foreign entity's organizational chart showing the beneficiary overseeing five managerial positions – catering manager, kitchen manager, manager of room affairs, finance manager, and manager of the comprehensive department – and depicting her as subordinate to the general manager.

Given the overall lack of information about the beneficiary's job duties, the director instructed the petitioner to provide a supplemental job description in response to the RFE. Specifically, the director asked the petitioner to provide a statement from an authorized official of the foreign entity specifically itemizing the beneficiary's daily tasks and the time allocated to each task in the form of a percentage breakdown. The petitioner was also instructed to list and provide brief job descriptions for the employees within the beneficiary's immediate division, department or team. In addition, the director asked the petitioner to provide the foreign entity's organizational chart showing the overall structure and staffing level during the time of the beneficiary's employment abroad.

Although the petitioner's response contained a letter, dated May 28, 2014, on the foreign entity's letterhead, with an indication that it was signed by the foreign entity's chairman of the board, the signature was written in Chinese language characters and was not translated into English; nor did the letter in any way identify the signing party by name such that would enable USCIS to verify whether the signing party was actually the chairman of the board, as claimed. Thus, while the letter was seemingly intended for the purpose of corroborating the claim that the beneficiary was employed by the foreign entity as claimed, the letter's probative value is limited given the lack of sufficient evidence to establish that the individual who made the factual assertions in the letter had the first-hand knowledge and authority to make those assertions. Furthermore, the letter contains only broad references to the beneficiary's employment abroad and fails to cite

the actual dates of the alleged employment. For this additional reason the letter has minimal probative value in helping to ascertain whether the beneficiary was employed abroad in a qualifying capacity during the time period that was previously claimed in the original supporting statement.

In addition, despite the relatively complex organizational hierarchy that was depicted in both of the foreign entity's organizational charts, the charts are inconsistent in the information that they provide. Namely, while the original chart indicates that the beneficiary had five managerial subordinates, the chart submitted in response to the RFE lists eight subordinate managerial positions under the beneficiary's managerial purview. In comparing the two charts, the original chart did not include an external liaison manager, a purchasing manager, or a security manager among the beneficiary's subordinates. Further, the hierarchy depicted in the chart that was provided in the RFE response is not consistent with the job duties listed as those of the catering department manager. Namely, while the chart shows the catering department manager as the beneficiary's direct subordinate, the job description that pertains to the catering manager indicates that this position was charged with "carrying out all work tasks and work instructions assigned by the [g]eneral [m]anager" as well as attending manager meetings chaired by the company's general manager, thus indicating that the general manager, rather than the beneficiary, is the catering manager's superior.

We further note that the petitioner failed to comply with the specific instructions in the RFE, where the director asked the petitioner to list the beneficiary's job duties specifically and to indicate how much time the beneficiary allocated to each of her former tasks. Failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14). The information is critical to determining how the beneficiary's time was disturbed among her qualifying and non-qualifying job duties. Specifics are clearly an important indication of whether a beneficiary's duties are primarily executive or managerial in nature, otherwise meeting the definitions would simply be a matter of reiterating the regulations. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103.

Lastly, even if the petitioner provided sufficient evidence to establish that the beneficiary's position abroad consisted primarily of qualifying tasks, the record does not establish that the beneficiary was employed abroad for the requisite one year within the three years prior to the date this petition was filed. Based on the applicable date of filing – July 23, 2013 – the petitioner must establish that the beneficiary had at least one year of qualifying employment between July 23, 2010 and the Form I-140 filing date. Given that the petitioner claimed that the beneficiary worked for an unrelated company abroad from December 2010 to December 2011, the petitioner is required to establish that the beneficiary's one year of qualifying employment occurred sometime between July 23, 2010 and December 2010 and between December 2011 and July 23, 2013. Based on the dates stamped on the beneficiary's Form I-94, Departure Record, the beneficiary came to the United States in January 30, 2010 as a B-1 visitor. The same document indicates that the beneficiary was authorized to remain in the United States until July 29, 2013. Although the record is unclear as to whether the beneficiary departed the United States subsequent to her January 2010 entry, the instant petition indicates that the beneficiary's last arrival to the United States was on January 30, 2013. The record also reflects that the beneficiary was issued a United States visa on June 20, 2012. In addition, government records indicate that the beneficiary was present in the United States from January 30, 2013 to December 20, 2013, and from July 2, 2012 to December 15, 2012. Any time the beneficiary spent in the United States within the three years prior to filing the instant petition would be deemed as interruptive of the beneficiary's requisite one-year period of employment abroad. As the petitioner has failed to provide sufficient evidence to establish that the beneficiary resided and was employed by the qualifying foreign entity



for a cumulative period of one year, it cannot be concluded that the beneficiary's period of employment abroad was in compliance with the relevant statutory provisions.

Accordingly, we find that the record with regard to the beneficiary's employment abroad is deficient in two ways. First, the petitioner failed to provide reliable probative evidence sufficient to establish that the beneficiary was employed abroad in a qualifying managerial or executive capacity. Second, in addition to not meeting its burden of demonstrating the managerial or executive nature of the beneficiary's former position with the foreign entity, the petitioner failed to establish that the beneficiary was employed abroad by the qualifying entity for a total of one year during the three years prior to the date the instant petition was filed. Therefore, in light of these additional adverse findings, this petition cannot be approved.

IV. Conclusion

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, in light of the findings issued in the director's decision and the additional findings issued by this office, that burden has not been met.

ORDER: The appeal is dismissed.