



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

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF T-B-S-, INC.

DATE: DEC. 2, 2015

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a Florida corporation, seeks to classify the Beneficiary as an employment-based immigrant. *See* Immigration and Nationality Act (the Act) § 203(b)(1)(C), 8 U.S.C. § 1153(b)(1)(C). The Director, Texas Service Center, denied the petition, and affirmed that decision in response to the Petitioner's motion to reopen and reconsider. The matter is now before us on appeal. The appeal will be sustained.

On January 10, 2015, the Director denied the petition, finding that the Petitioner did not establish that the Beneficiary was employed abroad and would be employed in the United States in a qualifying managerial or executive capacity.

On February 18, 2015, the Petitioner filed a combined motion to reopen and reconsider, which was supported by a brief along with other supporting evidence.

On April 8, 2015, the Director issued a decision in which he concluded that the evidence submitted in support of the Petitioner's motion did not meet the requirements for either a motion to reopen or a motion to reconsider. The Director also determined that the Petitioner did not overcome the original grounds for denial and affirmed his January 10, 2015 decision.

The matter before us is an appeal, which the Petitioner filed seeking to overcome the Director's latest adverse decision. The appeal is accompanied by an appellate brief and supporting evidence.

We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). We follow the preponderance of the evidence standard as specified in *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon reviewing the entire record of proceeding, we conclude that the record contains sufficient evidence to overcome the grounds for the denial.

Specifically, the totality of the evidence now establishes that the Petitioner has established that the Beneficiary was employed abroad, and would be employed in the United States, in a qualifying managerial capacity as defined at section 101(a)(44)(A) of the Act.

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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.

Cite as *Matter of T-B-S-, Inc.*, ID# 14652 (AAO Dec. 2, 2015)