



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

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

MATTER OF A-C-, INC.

DATE: OCT. 19, 2015

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a cross-border mergers and acquisitions consulting company, seeks to employ the beneficiary in the United States as its chief executive officer under the multinational manager or executive immigrant classification. *See* 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C). The Director, Nebraska Service Center, denied the petition. The matter is now before us on appeal. The appeal will be sustained.

The Director concluded that the Petitioner had not established that it had been doing business for at least one year before filing the petition. On appeal, the Petitioner submits a legal brief and supporting materials, including copies of consultancy agreements and wire transfer documentation.

We conduct appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Upon reviewing the entire record of proceeding as supplemented by the Petitioner's submission on appeal, we conclude that the record now contains sufficient evidence to overcome the basis for the Director's decision. Specifically, the totality of the evidence now establishes that the Petitioner, for at least one year prior to the filing of the petition, had been doing business as defined at 8 C.F.R. § 204.5(j)(2).

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 this case has met that burden.

ORDER: The appeal is sustained.

Cite as *Matter of A-C-, Inc.*, ID# 14071 (AAO Oct. 19, 2015)