



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

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

MATTER OF H-N-A-, INC.

DATE: APR. 15, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a provider of management services to its parent company (a motor vehicle manufacturer), seeks to permanently employ the Beneficiary as an engineering coordinator under the first preference immigrant classification for multinational executives or managers. *See* Immigration and Nationality Act (the Act) § 203(b)(1)(C), 8 U.S.C. § 1153(b)(1)(C). This classification allows a U.S. employer to permanently transfer a qualified foreign employee to the United States to work in an executive or managerial capacity.

The Director, Nebraska Service Center, denied the petition. The Director concluded that the evidence of record did not establish that: (1) the Beneficiary will be employed in the United States in a qualifying managerial or executive capacity; and (2) the Beneficiary has been employed abroad in a qualifying managerial or executive capacity.

The matter is now before us on appeal. In its appeal, the Petitioner submits additional evidence and asserts that the Director erred in finding that the Petitioner had not provided enough details about the Beneficiary's work.

Upon *de novo* review, we will sustain the appeal.

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 satisfied the legal criteria regarding the Beneficiary's qualifying employment with his former employer abroad and with the petitioning U.S. entity. The Petitioner has provided sufficient information and evidence to show that the Beneficiary worked as a function manager abroad and will be employed as a function manager in the United States.

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 has met that burden.

ORDER: The appeal is sustained.

Cite as *Matter of H-N-A-, Inc.*, ID# 16055 (AAO Apr. 15, 2016)