



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

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

MATTER OF P-B-B-D-, INC.

DATE: JAN. 8, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a wholesale and retail bakery, seeks to employ the Beneficiary as its Senior Production Director under the multinational executive or manager immigrant classification. *See* Immigration and Nationality Act (the Act) § 203(b)(1)(C) & 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 evidence of record did not establish: (1) that the Beneficiary was employed by the Petitioner's foreign parent company in a qualifying managerial or executive capacity for one year prior to his transfer to the United States; and (2) that the Beneficiary would be employed by the Petitioner in a qualifying managerial or executive capacity. On appeal, the Petitioner submits a brief disputing the denial and addressing the Director's adverse findings.

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 proceedings as supplemented by the Petitioner's submission on appeal, we conclude that the record now contains sufficient evidence to overcome the grounds for denial.

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

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). The Petitioner in the instant case has met that burden.

**ORDER:** The appeal is sustained.

Cite as *Matter of P-B-B-D-, Inc.*, ID# 15121 (AAO Jan. 8, 2016)