



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

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

In Re: 29895206

Date: APR. 30, 2024

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Multinational Managers or Executives)

The Petitioner, a cyber security company, seeks to permanently employ the Beneficiary as its chief operating officer in the United States under the first preference immigrant classification for multinational executives or managers. Immigration and Nationality Act (the Act) section 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.¹

The Director of the Nebraska Service Center denied the petition concluding the record did not establish, as required, that the Beneficiary was employed abroad for the required one year with a foreign employer having a qualifying relationship with the Petitioner.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

In denying the petition, the Director emphasized that the submitted evidence reflected the Beneficiary was employed by his own consulting company abroad and not his asserted foreign employer, the parent company of the Petitioner. Therefore, the Director determined that the Beneficiary did not have the required one year of foreign employment abroad with a qualifying organization. On appeal, the Petitioner contends the Director did not sufficiently consider submitted evidence reflecting that the Beneficiary was employed by the foreign parent company abroad and not his own consulting company.

Upon de novo review, we will sustain the appeal. We conclude that the Petitioner has established by a preponderance of the evidence that the Beneficiary was employed by the foreign employer, the parent company of the Petitioner and a qualifying organization, for the required one year as necessary to qualify him for the benefit sought. Accordingly, we will withdraw the Director's decision and sustain the appeal.

¹ An immigrant visa is available to a beneficiary who, in the three years preceding the filing of the petition, has been employed outside the United States for at least one year in a managerial or executive capacity, and seeks to enter the United States in order to continue to render managerial or executive services to the same employer or to its subsidiary or affiliate. See section 203(b)(1)(C) of the Act; see also 8 C.F.R. § 204.5(j).

ORDER: The appeal is sustained.