



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

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

MATTER OF N-A- LLC

DATE: DEC. 29, 2015

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a reinsurance broker, seeks to employ the Beneficiary in the United States as its Chief Financial 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 submitted sufficient evidence to establish that the U.S. entity would employ the Beneficiary in a qualifying managerial or executive capacity or that the Beneficiary's employment with the foreign entity was in a qualifying managerial or executive capacity. On appeal, the Petitioner submits a legal brief and supporting materials, including copies of resumes and job descriptions for subordinate employees, payroll records, organizational charts and a detailed list of job duties for each position.

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 provided reliable, probative evidence sufficient to establish that the Beneficiary's intended employment in the United States will be in a qualifying managerial capacity and that his previous employment with the foreign entity was also in a qualifying managerial capacity under section 203(b)(1)(C) of the Act.

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 N-A- LLC*, ID# 14961 (AAO Dec. 29, 2015)