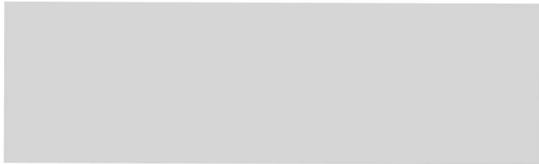




U.S. Citizenship  
and Immigration  
Services

(b)(6)



**JUN 08 2015**

DATE:

FILE #: 

PETITION RECEIPT #: 

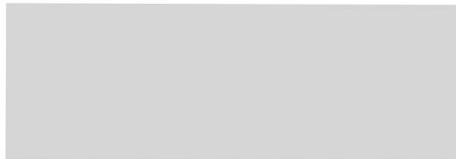
IN RE:

Petitioner: 

Beneficiary: 

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:



Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the preference visa petition. The matter was subsequently brought before the Administrative Appeals Office (AAO) on appeal. The matter was remanded for further consideration and entry of a new decision. The director has since denied the visa petition and certified that decision to the AAO for review. The director's decision will be affirmed and the petition will be denied.

The petitioner is a Texas corporation that operates an international trade organization. The petitioner seeks to employ the beneficiary as its president. Accordingly, the petitioner endeavors to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager.

On September 30, 2010, the director denied the petition, concluding that the beneficiary's foreign and U.S. employers are not owned by the exact same group of individuals and that as a result the two entities do not have a qualifying relationship.

The petitioner subsequently filed an appeal along with supporting documentary evidence sufficient to establish that the director's decision was based on an erroneous legal finding and that, in fact, the petitioner submitted sufficient evidence to establish that the petitioner and the beneficiary's former employer abroad have a qualifying relationship. The director's decision was therefore withdrawn. However, our comprehensive review of the record indicated that the petitioner may nevertheless be ineligible for the immigration benefit sought based on a lack of sufficient evidence to establish that the beneficiary's proposed employment would be in a qualifying managerial or executive capacity. We stressed the need for a detailed account of the beneficiary's proposed day-to-day job duties.

Accordingly, the director issued a notice of intent to deny (NOID) on October 11, 2012. The director determined that the petitioner lacked adequate staffing to relieve the beneficiary from having to allocate her time primarily to the petitioner's daily operational tasks, and would therefore be unable to employ the beneficiary in a qualifying managerial or executive capacity. The director also determined that additional evidence was necessary to establish the petitioner's ability to pay in 2010 and 2011. The petitioner was given thirty days in which to provide additional evidence to establish that the beneficiary would be employed in the United States in a qualifying managerial or executive capacity and that it had the ability to pay the beneficiary's proffered wage during the two years in question.

In response, the petitioner complied with the director's request for its 2010 and 2011 tax returns, which established the petitioner's ability to pay the beneficiary's proffered wage during the years in question. The petitioner also provided a statement, dated November 5, 2012, which contained a description of the beneficiary's proposed employment with the U.S. entity, as well as various documents, including the petitioner's quarterly wage reports for 2012, employee payrolls, corporate documents for the petitioner and the beneficiary's foreign employer, and the petitioner's business invoices.

On June 30, 2014, the director issued a decision, finding the petitioner ineligible for the benefit sought based on the petitioner's failure to provide sufficient evidence to establish that the beneficiary would be employed in the United States in a qualifying managerial or executive capacity. The director compared the job description

the petitioner provided in its original supporting statement from April 29, 2010 and the NOID response statement, dated November 5, 2012, and determined that the two statements were nearly identical in form and content and that, in effect, the petitioner did not impart any new information about the beneficiary's prospective position with the U.S. entity. As in the NOID, the director provided an overview of the relevant documentation, reiterating the prior finding that the evidence indicates that the petitioner lacked a sufficient support staff to relieve the beneficiary from having to primarily perform non-qualifying tasks. This finding, coupled with the determination that the petitioner failed to provide an adequately detailed job description delineating the specific tasks the beneficiary would perform on a daily basis, led the director to conclude that the petitioner would be unable to employ the beneficiary in a primarily qualifying managerial or executive capacity. This decision has been certified to our office for review.

The record shows that the petitioner has not provided any further evidence or information addressing the decision that has been certified to this office for review; nor has the petitioner provided any further communications with regard to the director's denial or the basis therefor. After reviewing the record in its entirety, we find that the director provided sound reasoning for his determination based on the evidence before him.

Accordingly, we shall not disturb the director's denial of the petition.

**ORDER:** The director's June 30, 2014 decision is affirmed. The petition is denied.