



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D. C. 20536



File: [Redacted] Office: Texas Service Center Date: SEP 25 2000

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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)

IN BEHALF OF PETITIONER:



Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Terrance M. O'Reilly, Director
Administrative Appeals Office

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invasion of personal privacy

DISCUSSION: The preference visa petition was approved by the Director, Texas Service Center. Upon subsequent review, the director revoked the approval of the petition. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a Florida corporation that claims to be engaged in the import/export, commerce and representation of varied goods. The petitioner further claims to be a subsidiary of [REDACTED]

[REDACTED] The petitioner seeks to classify the beneficiary as a multinational executive or manager pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(1)(C), to serve as the president. On November 13, 1997, the director approved the petition.

On February 2, 1999, the director issued a notice of intent to revoke the approval of the petition. The petitioner was advised to respond to the notice by March 7, 1999. On March 10, 1999, the director revoked the approval of the petition, finding that the petitioner had not submitted a response to the notice. On March 22, 1999, the petitioner filed an appeal in which he stated that "documents in response to the intent to revoke this petition were sent within the deadline as it is shown by the postal receipt." The petitioner submitted photocopies of documents submitted in response to the notice of intent to revoke.

Meanwhile, the documents submitted by the petitioner in response to the notice of intent to revoke were included in the record. The director reopened the proceedings on Service motion and, on March 22, 1999, issued a new notice of revocation. This decision addressed all evidence submitted by the petitioner in response to the notice of intent to revoke. The petitioner did not appeal this decision.

All evidence submitted by the petitioner throughout the application process, including what was submitted on appeal, has been addressed by the director in his decisions. No new evidence has been submitted by the petitioner that has not already been addressed by the director. The decision of the director is correct and is hereby affirmed. The petitioner has not overcome the reasons for revocation and the appeal must be dismissed.

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 not sustained that burden.

ORDER: The appeal is dismissed.