



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

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

In Re: 13718186

Date: DEC. 17, 2020

Appeal of Nebraska Service Center Decision

Form I-140, Petition for Multinational Managers or Executives

The Petitioner, a developer, manufacturer, and seller of medical connection systems, seeks to permanently employ the Beneficiary in the position of “Director, Quality” 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).

The Director of the Nebraska Service Center denied the petition, concluding the record did not establish, as required, that it had a qualifying relationship with the Beneficiary’s former foreign employer.

On appeal, the Petitioner asserts that it submitted sufficient evidence to demonstrate that it is the parent company of the Beneficiary’s former foreign employer. The Petitioner indicates that it acquired the foreign employer in February 2017 prior to the date the petition was filed in October 2019. It provides additional documentary evidence on appeal indicating that it wholly owns the foreign employer, including a register of the foreign employer’s members, evidence of a name change on the part of the foreign employer in the Commonwealth of the Bahamas, amongst other additional evidence.

As our review is limited to the evidence on the record at the time of the Director’s adjudication, the Director is the more appropriate party to consider this new evidence and its impact on the Beneficiary’s eligibility. Therefore, we will withdraw the Director’s decision and remand this matter for consideration of the new evidence and the entry of a new decision. *See Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988).

ORDER: The decision of the Director is withdrawn. The matter is remanded for entry of a new decision consistent with the foregoing analysis.