



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

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

In Re: 27528118

Date: NOV. 15, 2023

Motion on Administrative Appeals Office Decision

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

The Petitioner, a cargo airline, seeks to permanently employ the Beneficiary as its director of infrastructure and general services under the first preference immigrant classification for multinational executives or managers. *See* 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 a managerial or executive capacity.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner will employ the Beneficiary in the United States in an executive capacity. We dismissed a subsequent appeal. The matter is now before us on a motion to reopen.

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). Upon review, we will dismiss the motion.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Our review on motion is limited to reviewing our latest decision. 8 C.F.R. § 103.5(a)(1)(ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

In our prior decision, incorporated here by reference, we agreed with the Director's determination that the Petitioner did not establish that it will employ the Beneficiary in the United States in an executive capacity. On motion, the Petitioner submits a brief, decision copies, and copies of vacation requests, emails, and performance evaluations that were previously submitted into the record. The Petitioner asserts that our appellate decision did not properly evaluate the evidence, noting that we have "mistaken the facts of the underlying application, misinterpreted the applicable law, and used that misinterpretation as the basis for the denial of the application."

Although it maintains that our decision was based on "an inaccurate interpretation of the law and misunderstanding of the facts," the evidence provided in support of the motion to reopen does not overcome the grounds underlying our prior decision. Nor has the Petitioner provided new facts to

establish that we erred in dismissing the appeal. Accordingly, the Petitioner has not shown proper cause for reopening the proceedings, and the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.