



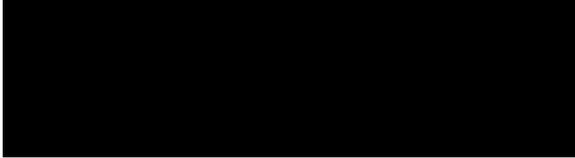
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U.S. Department of Justice

Immigration and Naturalization Service

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

103.5(a)(1)(i) data deleted to
prevent clearly unwarranted
invasion of personal privacy



File: WAC 00 031 51612

Office: CALIFORNIA SERVICE CENTER

Date: **AUG 16 2002**

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)

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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based visa petition was denied by the Director, California Service Center. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The petitioner is engaged in the import and export business. It seeks classification of 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. The director determined that the petitioner had not established that the beneficiary had or would be functioning in an executive or managerial capacity. The director also questioned whether the petitioner had the ability to pay the beneficiary the proffered wage and whether the organizational structure of the petitioner was being altered in such a way that the qualifying relationship with the foreign entity in this case would be maintained.

8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

On the Form I-290B Notice of Appeal, received on February 27, 2001, counsel indicated that evidence was being submitted with the form and that additional evidence would be forthcoming in 90 days. Counsel submitted a letter from the petitioner dated February 21, 2001. The petitioner stated that it had suffered losses and damages due to a natural disaster in Venezuela and that it was doing much better in 2001. The petitioner requested that this fact be considered and requested additional time to prepare the necessary paperwork for the appeal. Counsel also submitted four invoices dated in 2001 and several untranslated documents that appear to be invoices and checks.

The statement on the appeal form reads simply:

1. We will provide additional evidence in support of this application. We are preliminarily providing evidence regarding the parent company, which was effected by the recent natural disasters in Venezuela.
2. Additional time is needed to obtain more documentation.

To date, more than one-year later, careful review of the record reveals no subsequent submission.

The additional documents provided by the petitioner with the Notice of Appeal form do not appear to be relevant to the director's decision and no brief has been provided to point out

their relevance, if any. Foreign language documents must be translated by a certified translator if submitted in support of a petition. See 8 C.F.R. 103.2(b)(3). Counsel does not identify any particular fact or conclusion of law that was not properly considered by the director in making her decision. Neither counsel nor the petitioner has provided relevant information as a basis for the appeal.

Inasmuch as counsel does not identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is summarily dismissed.