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U.S. Department of Justice

Immigration and Naturalization Service

Identity of...  
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invasion of personal privacy

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



File: [Redacted]

Office: CALIFORNIA SERVICE CENTER

Date: 07 JAN 2002

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:



Printed name/signature

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*  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Director of the California Service Center initially approved the immigrant visa petition. Upon further review of the record, the director determined that the petitioner was not eligible for the benefit sought. Accordingly, the director properly served the petitioner with notice of her intent to revoke the approval of the preference visa petition, and her reasons therefore, and ultimately revoked the approval of the petition on June 16, 2000. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed pursuant to 8 C.F.R. 103.3(a)(1)(v).

The petitioner is an Arizona corporation that seeks to employ the beneficiary as its general manager and, therefore, endeavors 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).

The director revoked the petition because the petitioner failed to establish that the beneficiary was employed in an executive or managerial position for at least one year in the three years immediately preceding the filing of the petition.

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

*Summary dismissal.* 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, counsel indicates that she is not submitting a separate brief or evidence. Counsel states that "[t]he Service's Notice of Revocation is unjustified, inconsistent with its own regulations, an egregious [sic] abuse of discretionary power, and in clear violation of the doctrine of res judicata (finality of decisions.)" Counsel does not elaborate on this statement or explain, in any way, how the director abused her power or how the decision to revoke the petition was inconsistent with the regulations.

As the petitioner has provided no additional evidence on appeal to overcome the decision of the director or has failed to identify specifically any erroneous conclusion of law or statement of fact, the appeal will be summarily dismissed in accordance with 8 C.F.R. 103.3(a)(1)(v).

The burden of proof in this proceeding rests solely 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.