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U.S. Department of Justice
Immigration and Naturalization Service

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presented clearly unwarranted
invasion of personal

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

20 JUN 2002

File: [redacted] Office: TEXAS SERVICE CENTER

Date:

IN RE: Petitioner:
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:

SELF-REPRESENTED

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

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

The petitioner is a corporation organized in the state of Florida and is engaged in the automotive trading and restaurant 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 was engaged as a manager or executive.

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, filed on in March 2001, the petitioner states:

Attached to this appeal you will find evidence of the critical position and valuable service that [the beneficiary] perform [sic] in this company.

Attached to the Form I-290B is a letter signed by the beneficiary stating that the beneficiary is the "sole person responsible for the gourmet dishes served by our restaurant," and that the beneficiary "has the entire control of the bank accounts of our company and he is the sole person responsible for the entire payroll of the Space Grill." The letter also provides that, "All the necessary paperwork that the Immigration Service needs from us for proper documentation will be provided as soon as possible."

Also attached to the Form I-290B is a letter signed by a personal financial representative that indicates the beneficiary is the only signer on an account with Washington Mutual.

The information submitted with the Form I-290B does not point out any errors in the director's reasoning either in law or fact. The information submitted does not contribute significantly to the beneficiary's job description. The information submitted does not compel a finding that the beneficiary is a manager or executive.

The petitioner has not identified any erroneous conclusion of law or statement of fact as the basis for the appeal. The regulations mandate in a case such as this that the appeal be summarily dismissed.

ORDER: The appeal is summarily dismissed.