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U.S. Department of Homeland Security
Citizenship and Immigration Services

B4

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, DC 20536



File: [Redacted]

Office: CALIFORNIA SERVICE CENTER

Date: DEC 9 - 2003

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)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that 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 that 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 Citizenship and Immigration Services (CIS) 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 that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, California Service Center initially approved the employment-based visa petition. Upon subsequent review, the director issued a notice of intent to revoke approval and ultimately revoked approval of the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a corporation organized in 1994 in the State of California. It is engaged in importing and exporting. It seeks to employ the beneficiary as its import/export manager. Accordingly, it endeavors to classify 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 issued the notice of intent to revoke on the grounds that the petitioner had not established a qualifying relationship with the beneficiary's foreign employer. The director also determined that the petitioner had not demonstrated its ability to pay the beneficiary the proffered annual wage of \$15,600. Finally, the director determined that the petitioner had not demonstrated that it had been doing business for one year as required by the regulations. The director revoked approval of the petition after receiving no evidence to rebut the grounds of revocation.

The regulation at 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.

The petitioner submitted a Notice of Appeal, Form I-290B that was received by CIS on January 2, 2003. The petitioner indicated it would send a brief and/or evidence to the AAO within 30 days. To date, more than nine months later, the AAO has not received a brief or other evidence in support of the petitioner's appeal. The I-290B states:

The [CIS] decision to revoke the I-140 petition filed for [the beneficiary] is the result of an unreasonable and narrow interpretation of the regulations that define what an "Executive" is and the duties that are consummerate [sic] with such a position under 203(b)(1)(c). Further explanation of the Petitioner's position will be filed separately and submitted to the Administrative Appeals Office.

The petitioner does not specify any erroneous conclusion of law or statement of fact made by the director on the issues of the lack of an established qualifying relationship, of the inability to pay the proffered wage, or of the viability of the petitioner. Inasmuch as



the basis for the appeal is not specifically delineated, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is summarily dismissed.