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

**B4**

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

[REDACTED]

File: [REDACTED] Office: VERMONT SERVICE CENTER

Date: **DEC 9 - 2003**

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)

ON BEHALF OF PETITIONER:

[REDACTED]

**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*

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based visa petition was denied by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is an organization allegedly organized as an "S" corporation in 1998 in the State of New Jersey. It retails clothing and jewelry. It seeks to employ the beneficiary as its vice-president and general 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.

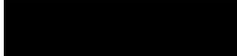
The director determined that the petitioner had not established that the beneficiary's employment with either the petitioner or the foreign entity was or would be in a managerial or executive capacity. The director observed that the petitioner had not provided documentary evidence in support of the petitioner's claim that the foreign entity employed individuals other than the beneficiary and a partner in the foreign entity. The director also determined that the description of the beneficiary's duties for the petitioner was indicative of an individual performing sales activities, development, and market research for the petitioner. The director concluded that the record did not demonstrate that the beneficiary had been or would be employed in a managerial or executive capacity.

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 November 15, 2002. Counsel for the petitioner submitted a letter dated November 5, 2002 in support of the appeal. The letter repeated the descriptions of the beneficiary's duties for the foreign entity and the petitioner that had been submitted in response to the director's request for evidence.

Counsel does not specify any erroneous conclusion of law or statement of fact made by the director on the petitioner's failure to establish the beneficiary's managerial or executive capacity for either the petitioner or the foreign entity. Counsel does not submit any evidence that would overcome the director's determination on these two issues. Inasmuch as the basis for the appeal is not specifically delineated, the regulations mandate the summary dismissal of the appeal.



Moreover, the AAO notes that the alleged ownership of the petitioner is questionable because IRS regulations for "S" corporations do not allow foreign or corporate ownership. Internal Revenue Code § 1361 (a) and (b). The record is deficient in establishing a qualifying relationship. However, as the matter is summarily dismissed, this issue will not be examined further.

**ORDER:** The appeal is summarily dismissed.