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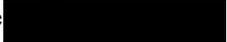
U.S. Department of Homeland Security
Citizenship and Immigration Services

B4

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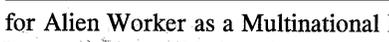
ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, DC 20536



File 

Office: TEXAS SERVICE CENTER

Date:

IN RE: Petitioner: 
Beneficiary: 

NOV 20 2003

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

The petitioner claims to be a corporation organized in the State of Florida in April 2000. It is engaged in the operation of a limousine rental business. It seeks to employ the beneficiary as its president. Accordingly, the petitioner 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 had been or would be employed in a managerial or executive capacity for the petitioner.

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 Form I-290B Notice of Appeal, received by CIS on September 19, 2002. The petitioner indicated that it would send in a brief or other evidence within the next 30 days. To date, more than one year later, CIS has not received a brief or other evidence in support of the petitioner's appeal. The Form I-290B contains several statements relating to the beneficiary's foreign employment. The petitioner also states on the Form I-290B, "we respectfully would like to clarify that [the beneficiary] is the corporation's Investor/Owner/President." The Form I-290B also contains the statement: "All the statistics indicate every company's economic growth is required [sic] minimum three years." The petitioner also notes on the Form I-290B that "[t]he amount of \$75,345.25 was capitalized by the parent company through [the beneficiary]." The petitioner also submits its Internal Revenue Service (IRS) Form 1120, U.S. Corporation Income Tax Return for 2001 and a balance sheet dated December 31, 2001.

The petitioner has not offered evidence or argument addressing the director's decision on the deficiencies of the record concerning the beneficiary's managerial or executive status for the petitioner. A statement that the beneficiary is the investor/owner/president of the petitioner does not provide sufficient evidence to establish that the beneficiary's primary assignment for the petitioner is in a managerial or executive capacity. An employee who primarily performs the tasks necessary to produce a product or to provide services is not considered to be employed in a managerial or executive capacity. *Matter of Church Scientology International*, 19 I&N Dec. 593, 604 (Comm. 1988). Possessing an executive or managerial title does not sufficiently

convey an understanding of the beneficiary's daily duties. The petitioner has not specifically identified an erroneous conclusion of law or statement of fact regarding the director's determination.

Furthermore and beyond the decision of the director, the petitioner has not established a qualifying relationship as a subsidiary of the beneficiary's overseas employer. See 8 C.F.R. § 204.5(j)(2). The petitioner also has not submitted sufficient evidence to establish its ability to pay the beneficiary the proffered annual wage of \$28,600. See 8 C.F.R. § 204.5(g)(2). For these additional reasons the petition could not have been approved.

As previously stated, inasmuch as the petitioner 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.