

PUBLIC COPY

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

B4

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



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

File:

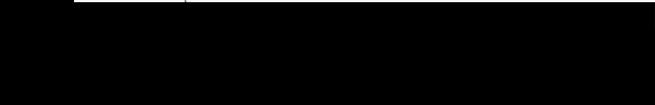


Office: TEXAS SERVICE CENTER

Date:

NOV 21 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 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 June 1999. It is engaged in the operation of a restaurant. 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 observed that the record contained numerous inconsistencies and listed many of the inconsistencies in the decision. Due to the numerous inconsistencies in the record, the director determined that the petitioner had not established that the beneficiary was an executive or manager for one year prior to his entry into the United States. The director also determined that the petitioner had not established a qualifying relationship with a foreign entity. The director further 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 director also determined that the petitioner had not established that the United States business or the foreign entity was doing business as required by the regulations. Finally, the director determined that the petitioner had not established its ability to pay the beneficiary the proffered annual wage of \$41,600.

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 3, 2002. The petitioner requested 60 days to send in a brief or other evidence. The Form I-290B does not contain further statements. The petitioner attached a letter to the Form I-290B explaining the request for the additional 30 days in which to submit a brief or other evidence was to provide lead time to transfer the documents to a new attorney. To date, more than one year later, CIS has not received a brief or other evidence in support of the petitioner's appeal.

The petitioner has not offered evidence or argument addressing the director's decision on the deficiencies of the record. 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.