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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

B4

[redacted]

FILE: [redacted] Office: TEXAS SERVICE CENTER Date: SEP 22 2004

IN RE: Petitioner: [redacted]
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:

[redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The director denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

The petitioner is a Texas corporation that seeks to employ the beneficiary as its business and systems manager. The petitioner, therefore, endeavors to classify the beneficiary as a multinational executive or manager pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C).

The director denied the petition because the proffered position is not in a managerial or executive capacity.

Counsel submitted a timely Form I-290B on November 14, 2002, indicating that a separate brief and/or evidence would be submitted to the AAO within 60 days. As of this date, however, the record does not contain counsel's brief or any additional evidence. Therefore, the AAO considers the record complete.

An officer to whom an appeal is taken shall summarily dismiss an appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

In a letter accompanying the Form I-290B, counsel states that the director's decision was arbitrary, capricious and erroneous because the director incorrectly analyzed the evidence. In particular, counsel states that the director applied the wrong standard of proof and that the denial contained issues that were not raised in the director's request for evidence (RFE). Although counsel presents these broad assertions on appeal, she fails to specify how the director made an erroneous conclusion of law or statement of fact. As neither the petitioner nor counsel presents additional evidence on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The burden of proof in this proceeding rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.