



U.S. Citizenship
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Services

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FILE: [Redacted] Office: TEXAS SERVICE CENTER Date: DEC 22 2005
SRC 04 082 51381

IN RE: Petitioner: [Redacted]
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 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 preference 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 was established in 2002 in the state of Texas. The petitioner is engaged in the sales and distribution of plastic switch products and accessories. It seeks to employ the beneficiary as its president and general manager. 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 denied the petitioner based on the following grounds: 1) the petitioner failed to establish that it has a qualifying relationship with the beneficiary's foreign employer; 2) the petitioner failed to establish that the beneficiary was employed abroad and would be employed in the United States in a managerial or executive capacity; and 3) the record lacks sufficient evidence to establish that the petitioner and the beneficiary's foreign employer have been doing business as defined in 8 C.F.R. § 204.5(j)(2).

On appeal, counsel disputes all of the director's findings and indicates that a brief would be submitted within 30 days. It is noted that the appeal was received by Citizenship and Immigration Services on July 13, 2005. On November 30, 2005, counsel submitted a request for an additional 30 days in which to submit an appellate brief. Counsel indicated that the additional time was necessary in order to locate her client. However, the Form I-1290B clearly suggests that any extension of time beyond the 30-day period allowed for the submission of a brief requires a showing of good cause, which must be demonstrated in a separate letter at the time of the submission of the initial appeal. In the instant matter, counsel only requested 30 days in which to submit an appellate brief and did not establish good cause for an extension beyond 30 days. Accordingly, counsel's request is denied. The record will be considered complete as presently constituted.

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.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or statement of fact in this proceeding, the appeal must be summarily dismissed.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the petitioner has not sustained that burden. Therefore, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.