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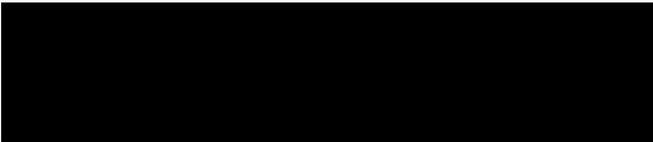
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U.S. Department of Homeland Security  
20 Mass Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

134



FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: JUN 29 2005  
EAC 04 168 50356

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: SELF-REPRESENTED

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 2003 in the state of New York. The petitioner claims to be engaged in the importing and exporting of garments and 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 denied the petition concluding that the beneficiary would not be employed in a managerial or executive capacity and that the petitioner had not been doing business for at least one year prior to filing the instant petition. The director also noted the questionable reliability of the petitioner's representations in light of the fact that the physical premises that has been claimed as that of the petitioner's has also been claimed as the premises of other petitioners filing other I-129 petitions on behalf of different beneficiaries.

Although the petitioner submitted an appeal and indicated that an appellate brief was being submitted with the Form I-290B, no additional information has been received into the record of proceeding. The petitioner made no statements, nor did it provide any explanations on its Form I-290B. Thus, since October 18, 2004, the date the appeal was received by Citizenship and Immigration Services, no additional evidence or information has been submitted to address the director's grounds for denial. Accordingly, 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.

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.