



U.S. Citizenship
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FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: OCT 17 2005
SRC 04 058 51229

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:

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

The petitioner is a company organized in the State of California in July 1997 and has been authorized to conduct business in the State of Texas since December 2003. It operates a fast food restaurant in the State of Texas. 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 denied the petition on May 10, 2005, determining that the petitioner had not submitted sufficient evidence to establish that the beneficiary would be employed in a managerial or executive capacity for the United States entity.

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."

On the Form I-290B Notice of Appeal, filed on June 10, 2005, the petitioner states:

Due to the nature of the business which is a fast food, the employees do not need a professional degree. Also the same does not need full time employees. 5 part time employees are enough for the production of the product. Hence the beneficiary is strictly in the executive managerial position.

The petitioner indicates that it is no submitting a separate brief or evidence in support of the appeal. Inasmuch as the petitioner does not identify an erroneous conclusion of law or a statement of fact in the director's decision as a basis for the appeal; the regulations mandate the summary dismissal of the appeal.

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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. Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.