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**U.S. Citizenship
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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: SEP 30 2005
WAC 02 074 50178

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
Robert P. Wiemann, Director
Administrative Appeals Office

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

The petitioner is a corporation organized in the State of California in July 2000. It claims it provides management and investment services. It seeks to employ the beneficiary as its chief executive officer. 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.

On December 6, 2002, the director denied the petition determining that the petitioner had not submitted sufficient evidence to establish that: (1) the beneficiary would be employed in a managerial or executive capacity for the United States entity; or (2) a qualifying relationship between the petitioner and the beneficiary's foreign employer.

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 January 6, 2003, counsel for the petitioner indicates that a brief and/or evidence would be submitted within 30 days. As of this date, the record does not contain a supplemental appellate brief or evidence. The statement on the Form I-290B reads:

The record contains sufficient evidence to demonstrate that the Beneficiary will be employed in an executive capacity according to the INS definition at the United States entity.

Petitioner has established through independent, objective evidence that a parent/subsidiary relationship exists between AAP Holdings and Management, Inc., the parent, and U.R. Capital, Inc., the subsidiary.

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 unsupported statements of counsel on appeal or in a motion are not evidence and thus are not entitled to any evidentiary weight. *See INS v. Phinpathya*, 464 U.S. 183, 188-89 n.6 (1984); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503 (BIA 1980). Inasmuch as the petitioner has failed to identify an erroneous conclusion of law or a statement of fact on 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.