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U.S. Department of Homeland Security
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U.S. Citizenship
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Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: MAY 08 2007
EAC 05 058 52012

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

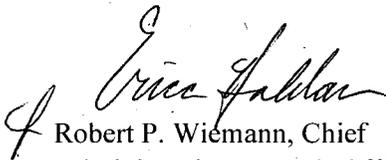
PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to
Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

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, Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont 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 filed the instant immigrant petition to classify the beneficiary as a multinational manager or executive pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C). The petitioner is a corporation organized under the laws of the State of New York that is engaged in offering transportation services. The petitioner seeks to employ the beneficiary as its president.

The director denied the petition concluding that the petitioner had failed to demonstrate that the beneficiary would be employed by the United States entity in a primarily managerial or executive capacity.

The petitioner filed a timely appeal on April 3, 2006. On the Form I-290B, Notice of Appeal, the petitioner requests sixty days within which to submit a brief and documentary evidence, and references an enclosed letter, dated March 30, 2006, in which the petitioner's vice-president states:

I [] am confident that the company, operating in the United States met the requirements for an approval of [the] I-140 immigrant visa petition [filed] on behalf of [the beneficiary]. The documents submitted have shown the adequate strength of the companies operations in the United States and Republic of Belarus. [The beneficiary] is the sole owner of the foreign company, the [p]etitioner, and the [p]etitioner's subsidiary. He exercises his authority to establish [the] companies' goals and policies, make decisions on behalf of the companies related to its [sic] directions and operations, and negotiate on behalf of, and contractually bond the companies. As a [p]resident of [the petitioning entity], [the petitioner's subsidiary], and [the foreign entity,] [the beneficiary] has shown sufficient responsibility for fulfillment of a variety of managerial and executive duties.

As of this date, the petitioner has not submitted any additional documentation. The AAO notes that on March 26, 2007, a request was sent to the petitioner via facsimile for an appellate brief or additional evidence. The petitioner did not respond to the AAO's request. Accordingly, the record will be considered complete.

To establish eligibility under section 203(b)(1)(C) of the Act, the petitioner must meet certain criteria. Specifically, within three years preceding the beneficiary's application for admission into the United States, a firm, corporation, or other legal entity, or an affiliate or subsidiary thereof, must have employed the beneficiary for one continuous year. Furthermore, the beneficiary must seek to enter the United States to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial or executive capacity.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition. The broad and unsupported claims made by the petitioner in its March 30, 2006 letter fail to address any specific managerial or executive job duties to be performed by the beneficiary, a deficiency that had been raised by the director in his March 1, 2006 decision. The petitioner also fails to acknowledge, much less resolve, the inadequacies discussed by the director with respect to the petitioner's staffing levels. The petitioner's general objections to the denial of the petition, without identifying any specific errors on the part of the director, are simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the petitioner. Going on record without supporting documentary evidence is not

sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, 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 a 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. The petitioner has not met this burden.

ORDER: The appeal is summarily dismissed.