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

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APR 19 2004

FILE: SRC 02 110 52760 Office: TEXAS SERVICE CENTER Date:

IN RE: Petitioner:
Beneficiary:

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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 petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a Georgia corporation that claims to be the subsidiary company of Kakateeya Diesel Engineers in India. It seeks authorization to employ the beneficiary temporarily in the United States as vice president. On November 5, 2002, the director determined that petitioner had not established that the U.S. company and the foreign entity have a qualifying relationship as defined in the regulations at 8 C.F.R. § 214.2(l)(l)(ii). Additionally, the director determined the petitioner had not established that the beneficiary had been employed in a primarily managerial or executive level position at a qualifying office abroad for at least one year of the three previous years before filing the instant petition. The director determined that the record does not establish that the intended United States operation, within one year of approval of the petition, would support an executive or manager as defined in paragraphs (l)(l)(ii)(B) or (C) of 8 C.F.R. § 214.2.

On the Form I-290B counsel stated that the evidence submitted established that the United States petitioner-company, San Trading, Inc., and the claimed parent organization in India were under common ownership and control in that the same persons who owned the Indian company owned 50% of the U.S. company and had actual control over the U.S. company. Although counsel takes issue with the director's decision, and stated that the beneficiary performed executive and managerial duties with the parent company and that the proffered job duties in the United States were clearly managerial and executive in nature, counsel did not specifically indicate how the director erred. Counsel stated that additional information would be submitted in 60 days. As of this date, more than one year later, the AAO has received nothing further in support of the appeal. 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 counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal is summarily dismissed.

ORDER: The appeal is summarily dismissed.