

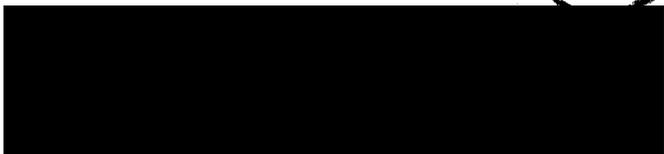
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U.S. Citizenship
and Immigration
Services



File: LIN 03 028 50497 Office: NEBRASKA SERVICE CENTER Date: JUN 02 2004

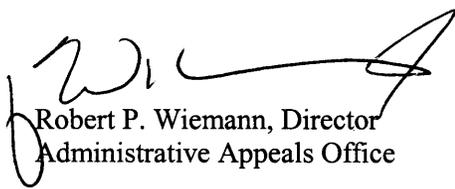
IN RE: Petitioner: [Redacted]
 Beneficiary: [Redacted]

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)

IN 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, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner seeks classification as a nonimmigrant manager or executive pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). Additionally, the petitioner indicates that the beneficiary will be coming to the United States to open a new office. The director determined that the petitioner had failed to demonstrate that the foreign entity has the financial ability to support the new U.S. office, as required under 8 C.F.R. § 214.2(l)(3)(v)(C)(2). The director also found that the petitioner had failed to show that the U.S. entity will be able to support a managerial or executive position within one year of the approval of the petition, as compelled by the regulation at 8 C.F.R. § 214.2(l)(3)(v)(C).

On appeal, counsel states that he would be submitting a brief and/or evidence to the Administrative Appeals Office within 30 days of the filing of the appeal. Specifically, counsel states that he “will be submitting substantive evidence to prove the viability of the foreign entity” as well as audited financial statements and documentation confirming the foreign entity’s legal name.

Counsel dated the appeal January 11, 2003. More than one year has passed since the filing of the appeal, yet as of the date of this decision, the AAO has received nothing further.

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The filing by an attorney of an appeal that is summarily dismissed under this section may constitute frivolous behavior as defined in 8 C.F.R. § 292.3(a)(15).

Counsel here has not addressed the reasons stated for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed.