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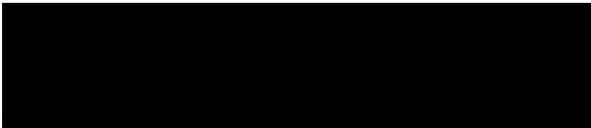
U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 1 Street, N.W.
Washington, DC 20536

U.S. Citizenship
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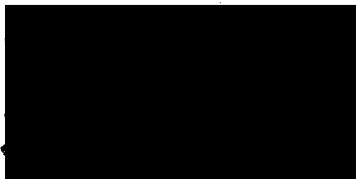
MAR 02 2004

FILE: SRC 02 093 51730 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 nonimmigrant visa petition was denied by the Director, Texas Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner claims to be a subsidiary of [REDACTED] located in Colombia. The petitioner claims to be in the business of importing and exporting accessories and chemicals to make paints. The petitioner seeks to extend its authorization to employ the beneficiary temporarily in the United States in a managerial or executive capacity, namely as its general manager. The director denied the petition stating that the evidence provided by the petitioner did not establish that the beneficiary would continue to be employed in an executive or managerial capacity.

On appeal, counsel indicated that he would not be submitting a separate brief or evidence. Counsel states that the director erred in his findings that the beneficiary's proposed duties were not managerial or executive in nature.

The regulation at 8 C.F.R. 103.3(a)(1)(v) states in part:

Summary dismissal. 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.

As counsel for the petitioner has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal, the appeal will be summarily dismissed.

In visa petition proceedings, the burden of proving eligibility for the benefit sought rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not sustained that burden.

ORDER: The appeal is summarily dismissed.