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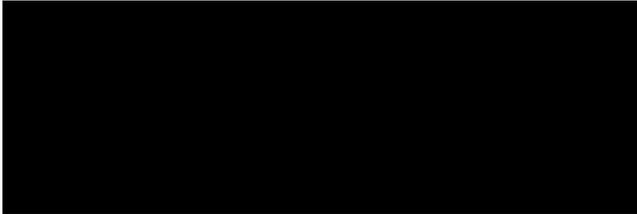
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U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services



File: WAC 02 149 50854 Office: CALIFORNIA SERVICE CENTER Date: **MAR 25 2004**

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:

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, Director  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center denied the employment-based visa 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 October 1993. It claims to design software. It seeks to employ the beneficiary as its assistant manager. 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. The director determined that the petitioner had not established that the beneficiary would be employed in a managerial or executive capacity for the United States entity. The director also determined that the petitioner had not established a qualifying relationship with the beneficiary's overseas employer. The director further determined that the petitioner had not established its ability to pay the beneficiary the proffered annual wage of \$66,300.

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."

The petitioner submitted a Notice of Appeal, Form I-290B that was received by Citizenship and Immigration Services (CIS) on March 31, 2003. The petitioner indicated that it needed 60 days to submit a brief and/or evidence. To date, more than 11 months later, the AAO has not received a brief or other evidence in support of the petitioner's appeal. The I-290B states:

1. We need to prove that alien worker indeed falls under the category on [sic] Manager/Executive in USA. In case of any shortfalls of [sic] discrepancies it would be explained in our appeal. The company needs to submit documentary evidence and plan including business [sic] and to explain why this business model is being created.
2. We shall establish business relationship by independent objective evidence.
3. For [i]nability to pay wages the Group Company Investment Plan to Shareholders and capital shall be submitted in the business plan and ability to pay wages will be established.

The petitioner also included a G-28, Notice of Entry of Appearance as Attorney or Representative signed by an individual appointing himself the attorney for the petitioner. The record also contains a letter from the petitioner's previous representative stating that her office no longer represents the petitioner or the beneficiary.

The petitioner does not identify specifically an erroneous conclusion of law or statement of fact as a basis for the appeal. Inasmuch as the petitioner does not identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

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**ORDER:** The appeal is summarily dismissed.