

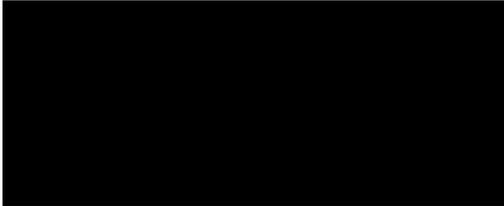
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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services



File: SRC 02 216 50126

Office: TEXAS SERVICE CENTER

Date: **MAR 25 2004**

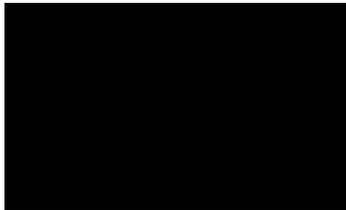
ON RE: Petitioner:

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:



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 on appeal. The appeal will be dismissed.

The petitioner is a Venezuelan entity that seeks to continue to employ the beneficiary temporarily in the United States as the general manager of a United States corporation named Punto Dots USA, Inc. The U.S. corporation operates a Mail Boxes Etc. franchise location in Miami, Florida. The director determined that the petitioner had not established that the beneficiary would be employed in the United States in a managerial or executive capacity.

On appeal, counsel states that the beneficiary's employment qualifies as a managerial position. Counsel further states that the beneficiary directs and supervises staff in accordance with the definitions provided by applicable regulations. It is noted that the petitioner's staffing was discussed by the director in her decision.

Counsel indicated that a brief and/or additional evidence would be submitted in support of the appeal on or before September 13, 2002. To date, no brief or additional evidence has been received.

As no additional information has been provided in support of the appeal, the record must be considered complete.

The regulations at 8 C.F.R. § 103.3(a)(1)(v) state 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 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.