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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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NOV 23 2004



FILE: LIN 02 229 52386 Office: NEBRASKA 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)

IN 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, Nebraska 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 an Ohio corporation that claims to be an affiliate of H.M.B. International, located in Pakistan. It seeks authorization to employ the beneficiary temporarily in the United States as its vice president of marketing. On January 22, 2003, the director issued a notice denying the petition. The director stated that the record was not sufficient in demonstrating that the beneficiary's duties will be primarily managerial or executive in nature.

On the Form I-290B counsel for the petitioner stated:

[I]t is patently clear from the evidence submitted that the [b]eneficiary as [v]ice [p]resident of [m]arketing and one of two officers in the company will be functioning at a senior level within the organization's hierarchy and that he will be directing the management of a critical function of the company - - i.e. management of all marketing activities of the newly-formed company. [CIS's] decision is arbitrary and capricious and contrary to the weight of the evidence.

On the Form I-290B counsel stated he would submit a brief and/or evidence within thirty days to this office. As of this date, more than a 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 and erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as the petitioner 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.