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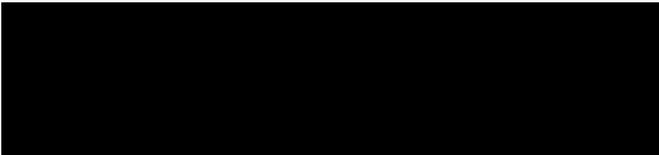
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FEB 28 2005

FILE: SRC 03 164 51817 Office: TEXAS SERVICE CENTER Date:

IN RE: Petitioner:
Beneficiary:



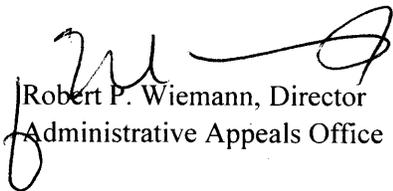
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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.

According to the documentary evidence contained in the record, the petitioner was incorporated in 2001 and claims to be a chemical business. The petitioner claims to be a branch office of OHEC Chemicals PVT LTD, located in Admedabad, India. The petitioner seeks to extend its authorization to employ the beneficiary temporarily in the United States as its president. The director determined that the evidence was insufficient to establish that the beneficiary was employed in a primarily managerial or executive capacity and that the U.S. entity was generating sufficient revenue within one year of approval of the initial petition to support a managerial or executive position.

On appeal, counsel indicated that he would submit a brief or evidence to the AAO within 30 days. The notice of appeal is dated December 16, 2003. In addition, on January 14, 2004, the AAO granted counsel's request for an additional 45-day extension in which to file his brief. Counsel was granted an extension to on or before March 5, 2004. To date, the AAO has not received any additional evidence. Therefore, the record is considered complete.

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 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.