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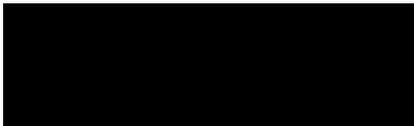
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U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE: SRC 03 125 51329 Office: TEXAS SERVICE CENTER Date: **JUN 06 2005**

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director  
Administrative Appeals Office

A small, stylized handwritten mark or signature element.

**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 construction company. The petitioner seeks to extend its authorization to employ the beneficiary temporarily in the United States as its construction manager for three years, at a yearly salary of \$25,000.00. The director determined that the evidence was insufficient to establish that the beneficiary had been or would be employed in a primarily managerial or executive capacity and that the entity had been doing business.

On appeal, the self-petitioner indicated that it would submit a brief or evidence to the AAO within 30 days. The notice of appeal is dated January 6, 2004. To date, the AAO has not received any additional evidence. The self-petitioner asserts in the notice of appeal: "The Service under-estimated the technical specific work system of a Construction company."

The self-petitioner fails to address the director's objections relating to the lack of evidence to establish that the beneficiary has been or would be employed in the United States primarily in a managerial or executive capacity and that the U.S. entity has been doing business.

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 self-petitioner has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal, the appeal will be summarily dismissed.<sup>1</sup>

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.

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<sup>1</sup> The AAO notes that the Department of Justice (DOJ) list of disciplined practitioners lists counsel for the petitioner, Earl S. David, as being suspended. See <http://www.usdoj.gov/eoir/profcond/chart.htm> (March 15, 2005).