

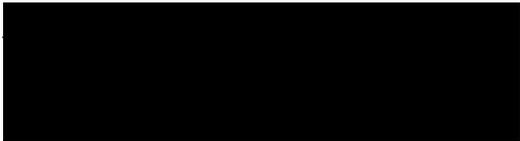
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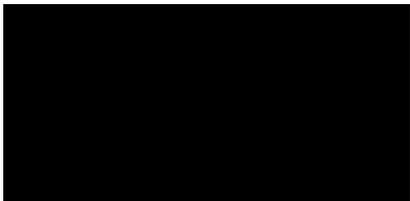
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FILE: EAC 02 159 53716 Office: VERMONT SERVICE CENTER Date: JUN 06 2005

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

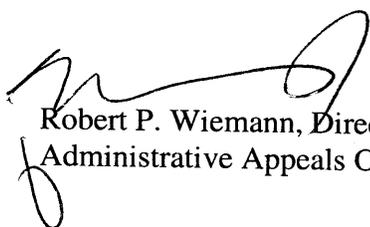
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:



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**DISCUSSION:** The nonimmigrant visa petition was revoked by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner was established in 1994 as a distributor and reseller of medical supplies. The petitioner claims to be a joint venture with OOO RB Enterprise (Russia). The petitioner seeks to employ the beneficiary temporarily in the United States as the head of its legal department. The director determined that the evidence submitted was insufficient to establish that the beneficiary had been or would be employed primarily in a managerial or executive capacity, or that the U.S. entity could support such a position.

On appeal, counsel indicated that he would submit a brief and/or evidence to the AAO within 30 days. The notice of appeal is dated January 31, 2003. To date, the AAO has not received any additional evidence. Therefore, the record is considered complete.

Counsel stated in the notice of appeal that the director's decision was based upon an incomplete analysis of the beneficiary's duties, the petitioner's requirements, and the requirements of INA. Although counsel claims that the director's decision was based upon an incomplete analysis of the beneficiary's duties, the petitioner's requirements, and the requirements of INA, a review of the record by AAO shows that the decision to deny the petition was based upon a thorough review of the record and explanations presented by counsel and the petitioner, and a correct application of law.

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 counsel 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.