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U.S. Citizenship  
and Immigration  
Services

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FILE: EAC 03 171 52758 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 denied by the Director, Vermont 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 established in 1998 and claims to be a real estate company. The petitioner claims to be a subsidiary of Matkal-Camping Vacation Herzliya, Ltd., located in Israel. The petitioner seeks to employ the beneficiary temporarily in the United States as a manager. The director denied the petition stating that the evidence provided by the petitioner was insufficient to establish that the beneficiary had been or would be employed primarily in a managerial or executive capacity.

On appeal, counsel indicated that he would submit a brief or evidence to the AAO within 30 days of the notice. The notice of appeal is dated July 25, 2003. To date, the AAO has not received a brief or any additional evidence. Therefore, the record is considered complete. Counsel states that the beneficiary's position and duties are managerial in nature.

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.