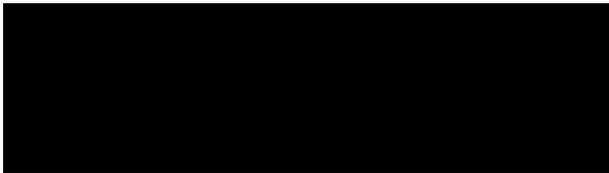




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
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FILE: SRC 02 094 51694 Office: TEXAS SERVICE CENTER

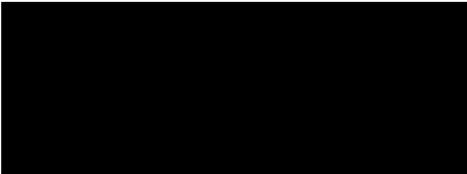
Date: JUN 06 2005

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. A subsequent motion to reopen and reconsider was denied by the Director, Texas Service Center. The matter is now before the AAO on appeal. The appeal will be summarily dismissed.

The petitioner was established in 2000 and claims to be in the retail sales business. The petitioner claims to be a subsidiary of Parra Arango & Company, Inc., located in Bogota, Colombia. The petitioner seeks to extend its authorization to employ the beneficiary temporarily in the United States in a managerial or executive capacity, namely as its administrative manager. The director denied the petition stating that the evidence provided by the petitioner did not establish that the beneficiary had been or would be employed in an executive or managerial capacity. The director denied the petitioner's motion to reopen and reconsider and sustained its initial decision to deny the petition.

On appeal, counsel indicated that it would submit a brief or evidence to the AAO within 30 days. The notice of appeal is dated December 23, 2002. To date, the AAO has not received any additional evidence. Therefore, the record is considered complete.

Counsel merely states on appeal that the director's decision misinterpreted job descriptions, hierarchy, and the distribution agreement as it relates to the U.S. and foreign entities. While counsel contends that the director's misinterpretations resulted in an incorrect denial, the decision contains sufficient evidence that the director properly reviewed the record.

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 for 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.