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Washington, DC 20529



U.S. Citizenship  
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Services

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FILE: SRC 02 259 51320 Office: TEXAS SERVICE CENTER Date: JUL 14 2006

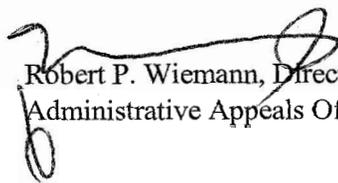
IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

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:  
[Redacted]

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.<sup>1</sup>

According to the documentary evidence contained in the record, the petitioner was incorporated in 2000 as a commercial developer business. The petitioner claims to be a subsidiary of Agropecuaria J.J. Muniz Alba & Compania. The petitioner seeks to employ the beneficiary in the United States as its director of finance. The director determined that the petitioner had not established that the beneficiary has been or will be employed in a primarily managerial or executive capacity, and consequently denied the petition.

On appeal, counsel indicated that he would submit a brief or evidence directly to the AAO within 60 days. The notice of appeal is dated December 3, 2002. 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.

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<sup>1</sup> The petition also appears to be moot. CIS records reflect that the Texas Service Center approved a petition (SRC 04 081 51046) for this beneficiary as an H-1B nonimmigrant, valid from July 12, 2004 until October 1, 2006.