



U.S. Citizenship
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FILE: WAC 04 252 50363 Office: CALIFORNIA SERVICE CENTER Date: **SEP 27 2006**

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

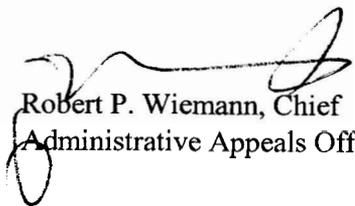
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:



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, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner states that it is engaged in international trade. It seeks to extend its authorization to employ the beneficiary temporarily in the United States as its president. The director denied the petition based on the conclusion that the petitioner failed to establish that the beneficiary has been and will continue to be employed in a managerial or executive capacity. Specifically, the director noted that the petitioner's description of the beneficiary's duties was too vague to ascertain the exact nature of the beneficiary's day-to-day role in the company. In addition, the director noted that the record contained no evidence to establish that the beneficiary supervised a subordinate staff of professional, managerial, or supervisory employee, such that he could be deemed a manager. Finally, the director concluded that based on the evidence submitted, the beneficiary appeared to perform the tasks necessary to provide the petitioner's services, and therefore could not be found to be functioning in a capacity that was primarily managerial or executive.

On the Form I-290B, counsel for the petitioner indicated that the "[p]etitioner disputes denial of [the beneficiary's] position as executive of international trading business." Counsel also submitted a one-page statement in support of the appeal. Counsel's statement, however, merely states that the "[p]etitioner is engaged in the business of international trade, which does not need to hire any person with professional degree to handle the business." Counsel further submits evidence of a revolving line of credit issued to the petitioner, as well as copies of purchase orders. Additionally, counsel submits evidence of the presence of "significant customers" as well as copies of the petitioner's Forms 1120, U.S Corporation Income Tax Return, for the years 2000, 2001, 2002 and 2003, alleging that this evidence shows that the petitioner business has significantly grown over the past few years.

Counsel's statements on appeal fail to adequately address the director's conclusions. In the brief statement provided, the petitioner merely provides documentation pertaining to the growth in the petitioner's business. While this documentation is certainly indicative of the petitioner's flourishing business dealings, the denial was not based on an allegation that the petitioner was not doing business. The specific basis for the director's denial was a finding that the beneficiary's position was not primarily managerial or executive. The director pointedly discussed three main areas of deficiency in the evidence, namely, a lack of subordinate personnel to relieve the beneficiary from performing non-qualifying duties, the failure to state with specificity the exact nature of the beneficiary's duties, and the presumption that the beneficiary performs most of the non-qualifying tasks necessary to provide the petitioner's services. Counsel's general statements on the Form I-290B and attached statement do not specifically identify any errors on the part of the director, and are thus simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the petitioner.

Absent a clear statement, brief and/or evidence to the contrary, counsel for the petitioner does not identify, specifically, any erroneous conclusion of law or statement of fact. Hence, the appeal must be summarily dismissed. *See* 8 C.F.R. § 103.3(a)(1)(v).

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

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.

In the instant case, the petitioner fails to acknowledge or address the director's reasons for the denial. Accordingly, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.