U.S. Department of Homeland Security
20 Mass. Ave. N.W., Rm. A3042
Washington, DC 20529

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U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: NOV 04 2004

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

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

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Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

DISCUSSION: The Director, California Service Center, initially approved the employment-based visa petition. Upon subsequent review, the director issued a notice of intent to revoke and ultimately revoked the petition. The petitioner submitted an appeal to the Administrative Appeals Office (AAO). The AAO remanded the matter for further action and consideration. Upon review, the director revoked the matter as of the date of approval. The matter is now before the AAO on appeal. The appeal will be summarily dismissed.

The petitioner is a corporation organized in the State of California in May 1989. It is engaged in import, export, and trading. It seeks to employ the beneficiary as its vice-president/business manager. Accordingly, the petitioner endeavors to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager.

The director initially approved the petition in January 1996. On July 23, 2001, the director issued a notice of intent to revoke approval. The director revoked approval on December 31, 2001 noting that no communication had been received in rebuttal to the notice of intent to revoke. On appeal, the petitioner submitted evidence that it had responded to the notice of intent to revoke. The AAO withdrew the director's decision and remanded the record for further action and consideration.

On June 30, 2003, the director requested further evidence and the petitioner provided a response. On November 21, 2003, the director determined that the petitioner's foreign parent had terminated operations with the petitioner as of March 1999 and that the petitioner had not provided evidence to rebut this determination. On December 4, 2003, counsel for the petitioner submitted an I-290B, Notice of Appeal.

The regulation at 8 C.F.R. §103.3(a)(1)(v) states, 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."

On the Form I-290B, Notice of Appeal, filed on December 4, 2003, counsel for the petitioner indicated that a brief and/or evidence would be sent to the AAO within 30 days. To date, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

The statement on the Form I-290B reads:

> The brief and evidence will be submitted within 30 days from the date this notice is served.

Inasmuch as counsel does not identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.