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U.S. Citizenship and Immigration Services

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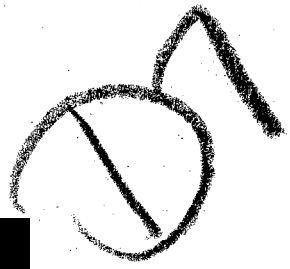

[redacted]

JUN 17 2004

FILE: EAC 02 179 52127 Office: VERMONT SERVICE CENTER Date:

IN RE: Petitioner: [redacted]
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:

[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, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner claims to be in the international trade and investment business. The petitioner claims to be an affiliate of MTL International, located in Israel. The petitioner seeks to employ the beneficiary temporarily in the United States in a managerial or executive capacity, namely as executive in charge of the petitioner's logistical policies. The director determined that the petitioner failed to provide sufficient evidence to establish that the beneficiary had been and would be employed primarily in a managerial or executive capacity. On motion, the director determined that the previous grounds for denial had not been overcome, and thereafter affirmed the original denial.

On appeal, counsel indicated that he would submit a brief and/or evidence to the AAO within 30 days. The notice of appeal is dated June 17, 2003. 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 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.