U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

D-7

U.S. Citizenship and Immigration Services

[redacted]

FILE: EAC 03 141 53529 Office: VERMONT SERVICE CENTER Date: JUN 22 2004

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

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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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 restaurant business. The petitioner claims to be an affiliate of Khosrawipour Companies, located in Germany. The petitioner seeks to employ the beneficiary temporarily in the United States in a managerial or executive capacity, namely as its president. The director determined that the petitioner failed to provide sufficient evidence to establish that the beneficiary would be employed primarily in a managerial or executive capacity, or that the U.S. entity would be able to support such a position within one year of operation.

On appeal, counsel indicated that she would submit a brief and/or evidence to the AAO within 30 days. The notice of appeal is dated May 20, 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.