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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship
and Immigration
Services

[redacted]

B4

FILE: [redacted] Office: NEBRASKA SERVICE CENTER Date: APR 20 2009

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IN RE: Petitioner:
Beneficiary: [redacted]

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:

SELF-REPRESENTED

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based immigrant petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a corporation organized in the State of Florida in July 2004. It claims to be engaged in the building trade, and it seeks to employ the beneficiary as its president/general 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 record of proceeding before the AAO contains: (1) the Form I-140 and supporting documentation; (2) the director's request for additional evidence; (3) the petitioner's response to the director's request; (4) the director's denial letter; and (5) the Form I-290B. The AAO reviewed the record in its entirety before issuing its decision.

The director denied the petition on February 2, 2009, determining that the petitioner had not established: (1) that the petitioner had the ability to pay the beneficiary the proffered annual wage of $39,000; and, (2) that the beneficiary was employed in a managerial or executive capacity with a qualifying foreign entity for at least one year in the three years preceding the filing of the petition

The petitioner submitted the Form I-290B on March 2, 2009. The petitioner marked the box at section two of the Form I-290B to indicate that a brief and/or evidence would be sent within 30 days. On April 2, 2009, the AAO received a letter from the claimed representative of the petitioner requesting an extension of 60 days in order to submit the appeal documents. This request will be denied since the request was made by an unauthorized representative.[1] Thus, the AAO deems the record complete as currently constituted.

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. 8 C.F.R. § 103.3(a)(1)(v).

The only new document submitted on appeal is the Form I-290B, which states the following, verbatim:

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[1] Only the classes of persons identified at 8 C.F.R. § 292.1 may represent a petitioner before the United States Citizenship and Immigration Services (USCIS). *See* 8 C.F.R. § 1.1(j). On the Form G-28, the petitioner's claimed representative indicated that he is a "Certified Canadian Immigration Consultant," which is not an authorized representative pursuant to 8 C.F.R. § 292.1. The Form G-28 therefore does not identify any provision of 8 C.F.R. § 292.1 under which the representative is entitled to represent the petitioner before USCIS.

> The adjudicator erred in concluding that the applicant had not met the burden of proof as per the Matter of Treasure Craft of California 14 I & N Dec. 190. The brief to follow will detail the reasons why the application did meet the requirements.

The petitioner fails to specifically identify any erroneous conclusion of law or statement of fact for the appeal. As no additional evidence is presented on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v). The petitioner suggests that the director's adjudication of the petition was erroneous; however, the petitioner has not demonstrated or specified any error by the director in conducting its review of the petition. *See Vides-Vides v. INS*, 783 F.2d 1463, 1469-70 (9th Cir. 1986); *Nicholas v. INS*, 590 F.2d 802, 809-10 (9th Cir. 1979); *Martin-Mendoza v. INS*, 499 F.2d 918, 922 (9th Cir. 1974), *cert. denied*, 419 U.S. 1113 (1975).

The burden of proof in these proceedings 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. The petition is denied.