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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

B4

[redacted]

FILE: [redacted] Office: TEXAS SERVICE CENTER Date: FEB 11 2011

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: 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 by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 $630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Texas Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a Florida corporation that seeks to employ the beneficiary as its marketing director of product development and enhancement. 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.

On August 28, 2009, the director denied the petition, informing the petitioner that no supporting evidence was submitted with the Form I-140. The director noted that the record lacked any evidence or information about the nature of the petitioner's business organization, the work to be performed by the beneficiary in the proposed position, and the work performed by the beneficiary during his employment abroad. The director generally noted that the petitioner presented no sign of its eligibility to classify the beneficiary as a multinational manager or executive.

On appeal, the beneficiary, on behalf of the petitioner, disputes the director's conclusion and states that a brief and/or additional information would be submitted within 30 days of the appeal. The beneficiary claims that supporting evidence had not been previously submitted due to family-related medical issues. The beneficiary states that he is now submitting additional supporting evidence along with the Form I-1290B. Such documents include a notarized affidavit and two letters all three written by the beneficiary, who indicated that the petitioner submitted supporting documents. The beneficiary's statements did not, however, explain which documents specifically address the primary deficiencies that served as grounds for the director's decision. Other documents included English translations of the following: the beneficiary's badge as an agent of [redacted] the beneficiary's professional identification card, the beneficiary's foreign diploma in his undergraduate studies, and several recommendation letters with regard to the beneficiary's work for a company named [redacted] No documentation was provided to establish that [redacted] is a business that is in any way related to the petitioner. It is therefore unclear how any of the documents that name the latter entity are relevant to the beneficiary's employment abroad or his proposed employment with the petitioning entity. As such, the submitted documents will not be given any evidentiary weight in this proceeding. Additionally, with regard to the submission of further evidence and/or information in support of the appeal, the AAO notes that more than 16 months have passed since the appeal was filed and the record has not been supplemented with any additional evidence or information. Accordingly, the record will be considered complete as currently constituted.

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.

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. Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the petitioner has not sustained that burden. Therefore, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.