

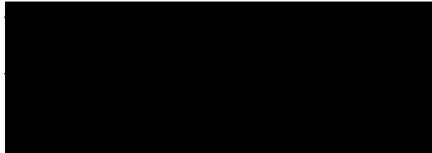
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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave. N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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DATE: **MAY 09 2012**

OFFICE: NEBRASKA SERVICE CENTER



IN RE:



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:



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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to 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, Nebraska Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a California corporation that is engaged in trucking services. The petitioner seeks to employ the beneficiary as its president. 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 April 28, 2010, the director denied the petition based on the following grounds of ineligibility: (1) failure to establish that the beneficiary's employment abroad was within a qualifying managerial or executive capacity; (2) failure to establish that the beneficiary's proposed employment with the U.S. entity would be within a qualifying managerial or executive capacity; and, (3) failure to establish the existence of a qualifying relationship.

On May 27, 2010, counsel for the petitioner submitted the Form I-290B to appeal the director's denial. Counsel marked the box at part two of the Form I-290B to indicate that the brief and/or additional evidence will be submitted to the AAO within 30 days. The AAO never received a brief or additional evidence, and thus, deems the record complete.

On the Form I-290B, counsel states, "will file a brief along with supporting documents in 30 days."

In regard to the director's conclusion that the petitioner failed to submit sufficient evidence to show the beneficiary's eligibility for the immigrant petition, the petitioner fails to identify any erroneous conclusion of law or statement of fact for the appeal. The USCIS regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent 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 no additional evidence is presented on appeal to overcome the decision of the director, and no erroneous conclusion of law or statement of fact for the appeal is specifically identified, the appeal will be summarily dismissed.

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.