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U.S. Citizenship  
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B4

File: [Redacted]  
SRC 04 013 51307

Office: TEXAS SERVICE CENTER Date: DEC 14 2005

IN RE: Petitioner: [Redacted]  
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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the employment-based visa 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 October 2000. It offers business consulting services. It seeks to employ the beneficiary as its administrative 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 director denied the petition on May 9, 2005, determining that the petitioner had not established that the beneficiary would be employed in a managerial or executive capacity for the United States entity.

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."

On the Form I-290B Notice of Appeal, filed on June 6, 2005, the petitioner indicated that a brief and/or evidence would be submitted within 30 days. The petitioner did not indicate why the brief would be submitted late or otherwise provide good cause for the requested extension. To date, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision. Regardless, pursuant to 8 C.F.R. § 103.3(a)(2)(vii), the petitioner's request for additional time to submit a brief is denied as a matter of discretion for failure to show good cause

The statement on the appeal form reads:

We consider that the decision is wrong, because Beneficiary meet [sic] ALL and complete criteria that by law is necessary [sic] to get a Visa/Resident legal [sic]. Attached decision and we will send evidence to support our appeal. We are requesting 30 days to get the necessary documents.

The statement does not identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal. Thus, the regulations mandate the summary dismissal of the appeal.

The petition will be denied for the above stated reason. 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. Here, that burden has not been met.

**ORDER:** The appeal is summarily dismissed.