

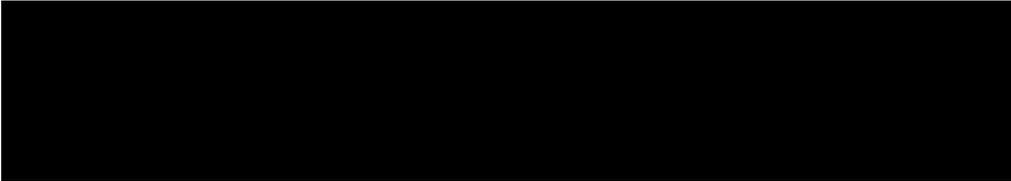
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



B4

FILE: LIN 01 187 55231 Office: NEBRASKA SERVICE CENTER Date: JUN 29 2005

IN RE: Petitioner:

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.

Robert P. Wiemann, Director
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 non-profit organization that was established in 2000. 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 November 19, 2001, the director denied the petition based on the following grounds: 1) the petitioner failed to establish that it has a qualifying relationship with a foreign entity; 2) the petitioner failed to submit sufficient evidence to establish that the beneficiary had been employed abroad in a qualifying managerial or executive capacity; 3) the petitioner failed to submit "a viable business plan for the U.S. entity" establishing that the beneficiary would be employed in a qualifying managerial or executive capacity; 4) the petitioner failed to establish that it has been providing goods and/or services on a regular, systematic, and continuous basis; and 5) the petitioner has failed to establish its ability to pay the beneficiary any wages.

On appeal, the petitioner requests an extension of time in which to submit additional evidence. Namely, the petitioner requests an additional 166 days. However, the wording in the Form I-290B is clear in that an extension beyond a 30-day period requires a showing of good cause, which requires a separate letter of explanation. In the instant matter, no such letter was submitted. The petitioner merely submitted a brief statement apologizing for the request for more time. The appeal was received by Citizenship and Immigration Services (CIA) on December 13, 2001. To date, no additional evidence or information has been submitted addressing any of the grounds discussed by the director in the denial. 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 counsel 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.