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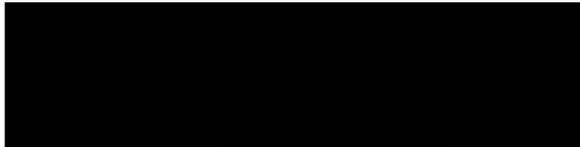
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Room 3000
Washington, DC 20529



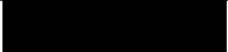
U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: OCT 07 2008

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IN RE:

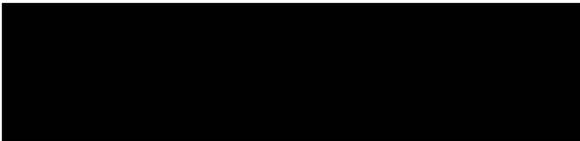
Petitioner:



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:



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, Chief
Administrative Appeals Office

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

The petitioner is a corporation organized in the State of New York that engages in the business of importing and exporting diamonds. It seeks to employ the beneficiary as its business development executive. 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 (Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager.

The director denied the petition, determining that the petitioner had not submitted sufficient evidence to establish that (1) the beneficiary has the requisite one year of executive/managerial experience abroad; (2) the beneficiary would be employed in a managerial or executive capacity for the United States entity; (3) a qualifying relationship exists between the U.S. and foreign entities; or (4) the petitioner has the ability to pay the beneficiary the proffered annual wage.

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 December 28, 2007, the petitioner indicated that a brief and/or evidence would be submitted within 30 days. In addition, in Part 3 of the Form I-290-B, where the petitioner is to state the basis for the appeal, the petitioner simply states: "A detailed brief will be submitted shortly." 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.

The petitioner has failed to identify an erroneous conclusion of law or a statement of fact in the director's decision as a basis for the appeal. Thus, the regulations mandate the summary dismissal of 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. Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.