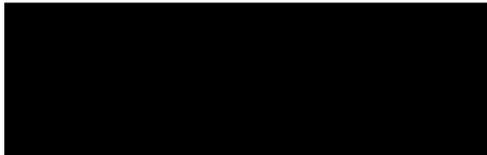


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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



B4

Date: OCT 31 2011 Office: TEXAS SERVICE CENTER

FILE: [REDACTED]

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.

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 [REDACTED] corporation that seeks to employ the beneficiary as its executive administrator. 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 24, 2009, the director denied the petition based on the determination that the petitioner failed to submit any evidence in support of its Form I-140 and thus failed to establish 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 indicated that she was submitting "all corporate papers," but provided no information about the documents she claimed would be submitted. The remainder of the documents that were submitted at the time of the appeal included a notarized affidavit and two letters, all three documents written by the beneficiary, who indicated that the petitioner submitted supporting documents. The beneficiary submitted a fourth letter asking that the petition be approved based on the beneficiary's desire to remain in the United States. The beneficiary claimed that she came to the United States as an illegal immigrant and has been awaiting some type of immigration reform while she continues her employment in the private sector. Although the petitioner's articles of incorporation and certificate of incorporation were submitted, none of the documents that were submitted in support of the appeal explain how the petitioner meets the eligibility criteria that is expressly delineated at section 203(b)(1)(C) of the Act. Additionally, with regard to the submission of further evidence and/or information in support of the appeal, the AAO notes that more than two years 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.