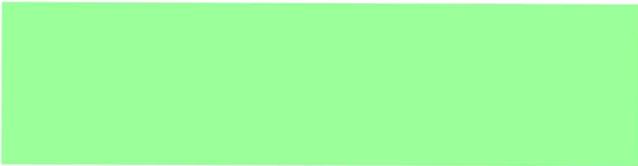


(b)(6)

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

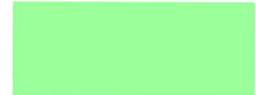


U.S. Citizenship
and Immigration
Services

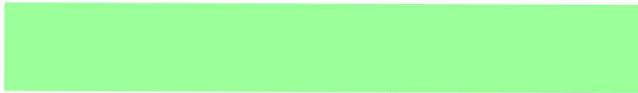


DATE: **AUG 15 2013** Office: TEXAS SERVICE CENTER

FILE:



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:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center. The petitioner filed an appeal seeking review by the Administrative Appeals Office (AAO). The AAO dismissed the appeal. The matter is again before the AAO on a second appeal. The appeal will be rejected.

The petitioner filed this petition 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 petitioner, a Connecticut corporation, is self-described as a transportation and shipping business. It seeks to employ the beneficiary as its President.

The director denied the petition on the basis that the petitioner failed to establish: (1) that it would employ the beneficiary in a primarily managerial or executive capacity; and (2) that it has a qualifying relationship with the beneficiary's foreign employer. The petitioner appealed the director's decision to the AAO. The AAO dismissed the appeal and denied the petition.¹

The matter is once again before the AAO. As indicated by the check mark at box B of Part 2 of the Form I-290B, Notice of Appeal or Motion, the petitioner elected to file an appeal. The AAO reviewed the submission and finds that the petitioner's appeal must be rejected. The AAO does not exercise appellate jurisdiction over AAO decisions. The authority to adjudicate appeals is delegated to the AAO by the Secretary of the Department of Homeland Security (DHS) pursuant to the authority vested in her through the Homeland Security Act of 2002, Pub. L. 107-296. *See* DHS Delegation Number 0150.1 (effective March 1, 2003); *see also* 8 C.F.R. § 2.1 (2003). The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003), with one exception - petitions for approval of schools under § 214.3 are now the responsibility of Immigration and Customs Enforcement (ICE). The regulations limit the AAO's jurisdiction over petitions for temporary workers to those described under 8 C.F.R. §§ 214.2 and 214.6. *See* 8 C.F.R. § 103.1(f)(3)(iii)(J) (2003). Accordingly, the appeal is not properly before the AAO.

Further, we note that even if the appeal were properly before the AAO, regulations would require that it be summarily dismissed. The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

¹ In the decision dated March 11, 2013, the AAO advised the petitioner that it had the option of filing a motion to reopen or reconsider the AAO's decision. The AAO stated:

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 in accordance with the instructions on 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.

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.

The petitioner states on the Form I-290B that additional documentation is to be provided within 30 days that will "address and overcome each of the above issues" discussed in the denial. The petitioner filed the appeal on April 11, 2013. As of this date, no brief or additional evidence has been submitted, and the petitioner has not identified any erroneous conclusion of law or statement of fact that would form the basis of its appeal.

The AAO does not exercise appellate jurisdiction over AAO decisions. Accordingly, the appeal must be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(I).

ORDER: The appeal is rejected.