

(b)(6)



U.S. Citizenship
and Immigration
Services

[Redacted]

DATE: **FEB 05 2013**

OFFICE: TEXAS SERVICE CENTER

FILE: [Redacted]

IN RE: Petitioner:
 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:

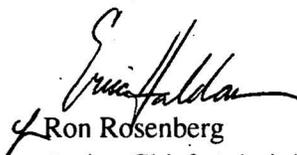
[Redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

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 with the field office or service center that originally decided your case by filing a 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.

Thank you,


Ron Rosenberg

Acting 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 an import/export business that seeks to employ the beneficiary as its President and CEO. 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 March 7, 2012, the director denied the immigrant petition based on the following grounds: (1) the petitioner failed to establish that the beneficiary's employment abroad was within a qualifying managerial or executive capacity; (2) the petitioner failed to establish that it would employ the beneficiary in a managerial or executive capacity; and, (3) the petitioner failed to establish that the petitioner has a qualifying relationship with the beneficiary's foreign employer.

On April 9, 2012, counsel for the petitioner submitted the Form I-290B, Notice of Appeal or Motion, to appeal the director's denial. Counsel indicated that he would submit an appellate brief or additional evidence directly to the AAO within 30 days. The record reflects that the neither counsel nor the petitioner has filed a brief or supplemental evidence within the allowed timeframe. The AAO will consider the record complete as presently constituted.

The regulations at 8 C.F.R. § 103.3(a)(1)(v) state, 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.

Upon review, the AAO concurs with the director's decision and will affirm the denial of the petition. The petitioner has not identified an erroneous conclusion of law or statement of fact on the part of the director as a basis for the appeal, nor has it provided a supplemental brief or evidence to the AAO as it indicated on the Form I-290B. Therefore, the appeal will be summarily dismissed.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is summarily dismissed.