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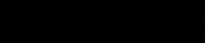


U.S. Citizenship
and Immigration
Services

D7



FILE:



Office: TEXAS SERVICE CENTER

Date: APR 02 2009

SRC 06 196 51650

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. 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 \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom, 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, allegedly a "retail, services, and investment" business, is a Texas corporation, which claims to be a subsidiary of the beneficiary's previous employer in Pakistan. 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.

The director denied the petition concluding that the petitioner failed to establish that it will employ the beneficiary in a primarily managerial or executive capacity.

On appeal, counsel states the following in the Form I-290B:

The District Director erred by finding that the petitioner has not demonstrated that the beneficiary has performs [sic] or will perform "executive" or "managerial" level duties as the primary part of her assignment[.]

The District Director erred by finding that the petitioner did not provide detailed description of the beneficiary's job duties.

The District Director erred by finding that the petitioner did not establish that the employees the beneficiary supervise[s] are managerial in their own assignments[.]

Counsel indicates that a brief and/or additional evidence would be filed within 30 days. However, as of the date of this decision, no brief or additional evidence has been submitted to the AAO.¹

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition.

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.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed. While counsel claims generally that the director erred, counsel fails to specifically identify why the director's decision was factually or legally erroneous. Consequently, the appeal must be dismissed.

¹ On February 23, 2009, the AAO sent a facsimile to counsel requesting that she submit a copy of a brief and/or additional evidence within five (5) business days, along with evidence that these materials were timely submitted to the AAO. As of the date of this decision, counsel has not replied to this facsimile.



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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. The petitioner has not met this burden.

ORDER: The appeal is summarily dismissed.