

(b)(6)



U.S. Citizenship
and Immigration
Services

DATE: MAR 16 2015 OFFICE: NEBRASKA 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:

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. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

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

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Nebraska Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner filed this Form I-140, Immigrant Petition for Alien Worker, 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 is engaged in investment and international trade and seeks to employ the beneficiary as its vice president.

On August 21, 2014, the director denied the immigrant petition, finding the petitioner had failed to establish that the beneficiary would be employed within a qualifying managerial or executive capacity.

On September 22, 2014, the petitioner filed Form I-290B, Notice of Appeal or Motion, to appeal the director's denial. The petitioner marked the box at Part 3 of the Form I-290B to indicate that a brief and/or additional evidence would be submitted to our office within 30 calendar days of filing the appeal. The record indicates that the petitioner did not file 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.

The Form I-290B, at Part 4, instructs the petitioner as follows: "On a separate sheet of paper, you must provide a statement regarding the basis for the appeal or motion." If filing an appeal, the petitioner must "[p]rovide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed." The petitioner's appeal did not include this required statement and instead was accompanied by a cover letter indicating that a brief would be sent within 30 days.

Accordingly, as 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, the appeal will be summarily dismissed.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.