



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF P-S-, INC.

DATE: NOV. 30, 2015

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a provider of high-powered turbine engines, seeks to permanently employ the Beneficiary as its General Manager under the multinational manager or executive immigrant classification. *See* Immigration and Nationality Act (the Act) § 203(b)(1)(C), 8 U.S.C. § 1153(b)(1)(C). The Director, Texas Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

On May 6, 2015, the Director issued a decision denying the petition based on the conclusion that the Petitioner had not established that the Beneficiary will be employed in a qualifying managerial or executive capacity.

The Petitioner subsequently filed an appeal. However, the Petitioner submitted no evidence or information addressing the actual grounds for denial; nor did the Petitioner dispute the ground for denial. Although the Petitioner marked Box 1(b) in Part 3 of the Form I-290B, indicating that a brief and/or additional evidence would be submitted within 30 days, there is no evidence that the Petitioner has supplemented the record with any additional submissions. Accordingly, the record will be considered complete as presently 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."

The Petitioner has not specifically identified any erroneous conclusion of law or statement of fact as a basis for the appeal. As noted, the Petitioner did not provide a brief or additional evidence in support of the appeal despite indicating on the Form I-290B that it intended do so. Moreover, the Petitioner did not provide with its appeal a separate statement regarding the basis of the appeal, as instructed at Part 4 of the Form I-290B. A petitioner filing an appeal is required to provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. Here, the Petitioner has made no reference or objection to the specific findings set forth in the director's decision. Therefore, consistent with 8 C.F.R. § 103.3(a)(1)(v), the appeal will be summarily dismissed.

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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; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Because the Petitioner has not specifically identified an erroneous conclusion of law or a statement of fact in this proceeding, the Petitioner has not sustained that burden.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of P-S-, Inc.*, ID# 15139 (AAO Nov. 30, 2015)