



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: **AUG 21 2015**

FILE #: [REDACTED]  
PETITION RECEIPT #: [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:

[REDACTED]

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Nebraska Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. We will summarily dismiss the appeal.

The petitioner, a restaurant, seeks to employ the beneficiary in the United States as its president. The petitioner filed Form I-140, Immigrant Petition for Alien Worker, on April 8, 2014, seeking to classify the beneficiary as an employment-based immigrant under 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 on December 24, 2014, concluding that the petitioner had not established that the beneficiary's duties have been, or will be, primarily managerial or executive.

The petitioner subsequently filed a timely appeal and indicated on the Form I-290B, Notice of Appeal or Motion, that it would submit a brief and/or additional evidence to our office within 30 days. To date, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

The Form I-290B instructs the petitioner at Part 4 to provide a separate sheet of paper with a statement regarding the basis for the appeal. Specifically, the petitioner is instructed to provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. The petitioner did not provide this statement with its Form I-290B, nor has the petitioner submitted a brief or statement in support of this appeal. Thus, the record is complete as currently constituted and ready for adjudication.

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. 8 C.F.R. § 103.3(a)(1)(v).

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, and no additional evidence has been presented on appeal to overcome the decision of the director. Therefore, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

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.