



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

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

MATTER OF M-F-M-, CORP.

DATE: OCT. 20, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a designer and manufacturer of furniture, seeks to permanently employ the Beneficiary as its president under the first preference immigrant classification for multinational executives or managers. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(C), 8 U.S.C. § 1153(b)(1)(C). This classification allows a U.S. employer to permanently transfer a qualified foreign employee to the United States to work in an executive or managerial capacity.

The Director, Texas Service Center, denied the petition, concluding that the evidence of record did not establish that the Petitioner will employ the Beneficiary in the United States in a managerial or executive capacity.

The matter is now before us on appeal. However, the Petitioner submitted no evidence or information addressing or disputing the grounds for denial. The Petitioner marked Box 1(b) in Part 3 of the Form I-290B, indicating that it would submit a brief and/or additional evidence within 30 days, but the requested time has elapsed and the record does not contain any additional submissions. Accordingly, we consider the record to be complete as presently constituted.¹

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned does not identify specifically any erroneous conclusion of law or statement of fact for the appeal. *See* 8 C.F.R. § 103.3(a)(1)(v).

The Petitioner has not provided the required statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. Therefore, consistent with 8 C.F.R. § 103.3(a)(1)(v), we will summarily dismiss the appeal.

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,

¹ We note that, on September 12, 2016, the Petitioner filed a new petition, seeking the same immigrant classification on the Beneficiary's behalf. That petition is still pending and is not before us on appeal. The summary dismissal of the present appeal is without prejudice to the separate adjudication of the newer, pending petition.

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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 M-F-M-, Corp.*, ID# 108836 (AAO Oct. 20, 2016)