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U.S. Department of Justice  
Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



Public Copy

File: SRC 00 206 51340 Office: Nebraska Service Center Date: APR 11 2001

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(L)

IN BEHALF OF PETITIONER: Self-represented.

Identification data deleted to prevent clearly unwarranted invasion of personal privacy.

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert P. Wiemann, Acting Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was originally approved by the Director, Texas Service Center. Upon further review, the director determined that the beneficiary was not clearly eligible for the benefit sought. Accordingly, the director properly served the petitioner with notice of his intent to revoke the approval of the visa petition, and his reasons therefore, and ultimately revoked the approval of the petition. This matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The petitioner, a company which specializes in the practice of "eastern medicine," sought to extend its authorization to employ the beneficiary temporarily in the United States as its president. According to the director's notice of intent to revoke, a foreign inquiry revealed that the claimed Japanese parent company was no longer a functioning business entity. After the petitioner failed to submit countervailing evidence in response to the notice of intent to revoke, the director determined that the petitioner was no longer a qualifying organization, as defined at 8 C.F.R. 214.2(l)(1)(ii)(G). In accordance with the regulations, the director properly revoked the approval of the petition. 8 C.F.R. 214.2(l)(9)(iii)(A)(1).

On appeal, the petitioner asserts that he did not receive the director's notice of intent to revoke, which was mailed to the petitioner's business address in Houston, Texas, on January 23, 2001. The petitioner indicates that he is temporarily in California, and requests a copy of the director's notice. The petitioner further requests an additional 45 days to respond to the notice. The petitioner failed to identify any erroneous conclusion of law or statement of fact for the appeal.

The petitioner's request is denied. The director properly mailed the notice to the petitioner's last known address, as listed on the petition. See 8 C.F.R. 103.5a(a)(1). There is no evidence to indicate that the petitioner advised the Service, in writing, of a change in address prior to the issuance of the director's notice. See 8 C.F.R. 103.5(a)(2)(iii). It is also noted that the director's notice of intent to revoke was mailed to the same address as the notice of revocation, which the petitioner has received.

8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

*Summary dismissal.* 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.

On appeal, the petitioner fails to identify specifically any erroneous conclusion of law or statement of fact. As the

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

In nonimmigrant 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 sustained that burden.

**ORDER:** The appeal is dismissed.