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U.S. Department of Homeland Security
Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street NW
Washington, DC 20536

FILE: LIN 02 019 54638 Office: NEBRASKA SERVICE CENTER Date: DEC 08 2003

IN RE: Petitioner:
Beneficiary:

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)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that 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 that 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 that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will summarily dismiss the appeal.

The petitioner, [REDACTED] states that it is the wholly-owned subsidiary of a German business, [REDACTED]

[REDACTED] The petitioner states that it sells and markets transformers. The U.S. entity was incorporated on April 25, 2000 in the State of New Jersey. In October 2001, the U.S. entity petitioned CIS to classify the beneficiary as a nonimmigrant intracompany transferee (L-1A). CIS approved the petition as valid from October 25, 2000 until October 24, 2001. The petitioner now endeavors to extend the petition's validity and the beneficiary's stay for three years. The petitioner seeks to employ the beneficiary's services as the U.S. entity's technical marketing manager at an annual salary of \$60,000. On April 2, 2002, the director determined, however, that the beneficiary did not qualify as a manager or an executive. Consequently, the director denied the petition.

On April 15, 2002, the petitioner's counsel submitted a letter identified as "a motion to appeal [CIS's] decision of April 2, 2002." Counsel enclosed a Form I-290B with the April 15 letter. The Form I-290B indicated that counsel would not be submitting a separate brief or evidence. On Form I-290B, counsel stated the reason for the appeal as: "I am submitting this request because [CIS] abused its discretion in spite of the overwhelming evidence presented on the record. Therefore, I ask that the decision of the director to be [sic] overturned and our appeal be upheld." CIS received the Form I-290B on April 16, 2002.

In pertinent part, the regulation at 8 C.F.R. § 103.3(a)(1)(v) states:

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 fails to identify specifically any erroneous conclusion or statement of fact. Instead, the Form I-290B generally requests reversal of the denial. Therefore, under the regulations, the petitioner's lack of specificity mandates summary dismissal of 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. The petitioner has not sustained that burden.

ORDER: The appeal is summarily dismissed.