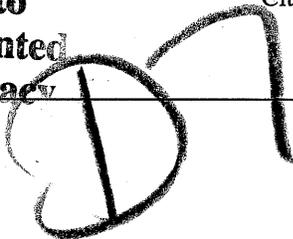


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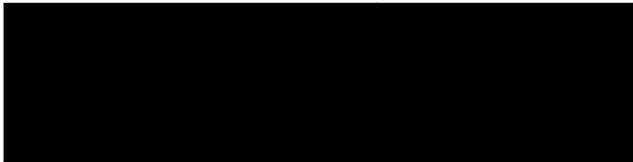
U.S. Department of Homeland Security

Citizenship and Immigration Services

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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



FILE: WAC 01 162 54050

Office: CALIFORNIA SERVICE CENTER Date:

DEC 08 2003

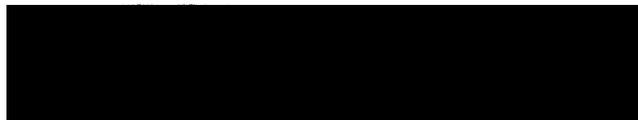
IN RE: Petitioner:

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 Citizenship and Immigration Services (CIS) 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, California 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 subsidiary of a South Korean business. The petitioner states that it provides architectural services. The U.S. entity was incorporated on March 26, 2001 in the Territory of Guam. The petitioner now endeavors to hire the beneficiary as a new employee. Consequently, in April 2001, the U.S. entity petitioned CIS to classify the beneficiary as a nonimmigrant intracompany transferee, L-1B specialized knowledge worker, for two years. The petitioner seeks to employ the beneficiary's services as a project manager and architect for a large project at an annual salary of more than \$100,000. On September 6, 2001, the director determined, however, that the beneficiary did not qualify for classification as an L-1B specialized knowledge worker. Therefore, the director denied the petition.

On October 10, 2001, the petitioner's counsel submitted a Form I-290B indicating that counsel would not be submitting a separate brief or evidence. CIS received the Form I-290B on October 16, 2001. On Form I-290B, counsel stated no reasons for the appeal; instead, counsel directed CIS to see an attached letter dated June 14, 2001. The petitioner had previously submitted the June 14, 2001 letter in response to the director's June 5, 2001 request for evidence. The director's September 6, 2001 decision quoted and evaluated the June 14, 2001 letter.

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 directs CIS to consider the June 14, 2001 letter that the director previously evaluated. The June 14, 2001 letter does not identify specifically any erroneous conclusion or statement of fact. 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.