

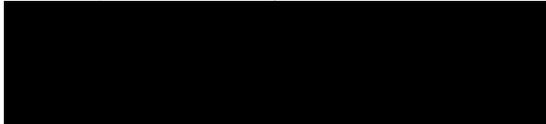
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U.S. Department of Homeland Security

Citizenship and Immigration Services

**identifying data deleted to  
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invasion of personal privacy**

ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
425 I Street, N.W.  
Washington, D.C. 20536



FILE: LIN-02-051-52372 Office: NEBRASKA SERVICE CENTER

Date: **OCT 23 2003**

IN RE: Petitioner:  
Beneficiary:



PETITION: Petition for 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:



**PUBLIC COPY**

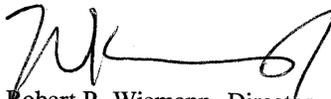
INSTRUCTIONS:

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 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, Nebraska Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is engaged in the manufacturing and distribution of audiotapes and compact discs in the United States. Accordingly, the petitioner seeks to employ the beneficiary temporarily in the United States in a specialized knowledge capacity as an artist and repertoire executive. In a decision dated May 17, 2002, the director denied the petitioner's request for the beneficiary's L-1B status indicating that the petitioner had failed to establish the following: (1) that the petitioner and the foreign entity are qualifying organizations; and, (2) that the beneficiary will be employed in the United States in a specialized knowledge capacity.

On Form I-290B, Notice of Appeal, filed on June 17, 2002, petitioner's counsel indicated that a brief would be filed with the AAO within thirty days of the appeal. To date, more than a year later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

On the appeal form, counsel stated that the "[d]enial of Petition [sic] should not have been granted. Basis of denial is thus contested." Counsel identified no further reason for the appeal.

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

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.

Counsel did not identify any particular fact that was not properly considered by the director in making her decision. Nor did counsel cite any precedent case law that would support counsel's assertion on 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. Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for this appeal, the regulations mandate the summary dismissal of the appeal.

**ORDER:** The appeal is summarily dismissed.