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U.S. Department of Homeland Security

Citizenship and Immigration Services

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

FILE: EAC-02-086-51803

Office: VERMONT SERVICE CENTER

Date: OCT 28 2005

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: Self-represented.

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

The petitioner is described as an interior cleaning and janitorial company. The petitioner seeks to employ the beneficiary as a general manager in a new office in the United States, and accordingly, filed a petition to have the beneficiary classified as an intracompany transferee. In a decision dated June 19, 2002, the director denied the petition stating that the beneficiary had not been employed abroad as a manager or executive.

In an appeal dated July 16, 2002, the petitioner claimed that the decision of the director is in "contradiction of the evidence presented." The petitioner further states:

We will submit within 30 days of the date of this notice of appeal a brief and evidence supporting our position. We will include a copy of the proposed duties of the beneficiary clearly depicting her executive authority. We will also enclose a copy of the schedule of proposed employees clearly depicting the beneficiary as manager. We will present evidence that shows that the immigration officer adjudicating this case did not and does not understand the type of entity the petitioner is and what products and services it provides and will provide. The petitioner invested in the United States. The L1 visa is for the beneficiary to come and open the branch.

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.

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.

The petitioner did not specifically identify any particular fact that was not properly considered by the director in making her decision. The petitioner only made assertions as to the

evidence it will supposedly provide within the thirty day time frame. Nor did the petitioner cite any precedent case law that would support petitioner'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 the petitioner 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.