

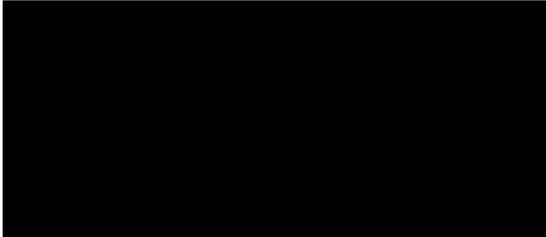
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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



**U.S. Citizenship
and Immigration
Services**



FILE: WAC 02 122 52488 Office: CALIFORNIA SERVICE CENTER Date: **APR 13 2004**

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)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, California 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 a moving and storage company engaged in providing such services to individuals and companies. The petitioner seeks to employ the beneficiary as an international relocation consultant, and filed a petition to classify the beneficiary as a nonimmigrant intracompany transferee. The director denied the petition concluding the petitioner had failed to establish: (1) that a qualifying relationship exists between the beneficiary's foreign employer and the U.S. entity; (2) that the beneficiary was employed abroad in a managerial or executive capacity; and (3) that the beneficiary would be employed in the United States in a primarily managerial or executive capacity.

On appeal, the petitioner indicated that neither a brief nor additional evidence would be submitted. The petitioner instructed the AAO to "review the documents [the petitioning organization] submitted to the California Service Center."

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 identify any particular fact or conclusion of law that was not properly considered by the director in making his decision.

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.

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