



U.S. Citizenship  
and Immigration  
Services

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FILE: WAC 02 122 51981 Office: CALIFORNIA SERVICE CENTER Date: APR 26 2006

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 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. Wicmann, 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 operating as a wholesaler and retailer of clothing. It currently employs the beneficiary as its president and chief executive officer, and filed a petition to extend the beneficiary's classification as a nonimmigrant intracompany transferee for an additional two years. The director denied the petition concluding that the beneficiary had not been and would not be employed in the United States in a primarily managerial or executive capacity.

On appeal, counsel for the petitioner asserts that contrary to the findings of the director, the beneficiary meets the definitions of a manager or executive. Counsel states that the "[p]etitioner will elaborate in the separate brief to be submitted within 30 days." To date, more than eighteen months 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.

Counsel did not identify any particular fact or precedent case law on appeal 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.