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U.S. Citizenship  
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JAN 27 2004

FILE: SRC 02 085 50063 Office: TEXAS SERVICE CENTER Date:

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:  
[Redacted]

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, Texas 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, C&C USA, Inc., states that it is the subsidiary of a Colombian business, Creatividad y Comunicaciones, S.A. The petitioner states that it engages in marketing and retail sales. The U.S. entity was incorporated on August 16, 2000 in the State of Florida. The petitioner endeavors to extend the nonimmigrant intracompany transferee (L-1A) petition's validity and the beneficiary's stay for two years from January 16, 2002 to January 15, 2004. The petitioner seeks to employ the beneficiary's services as the U.S. entity's president at an annual salary of \$30,000.

On August 26, 2002, the director determined, however, that the beneficiary did not qualify as a manager or an executive. Consequently, the director denied the petition.

On September 27, 2002, the petitioner's counsel submitted a Form I-290B indicating that counsel would be submitting a separate brief or evidence. CIS received the Form I-290B on September 30, 2002. On Form I-290B, counsel stated the reason for the appeal as: "[The] petitioner feels [CIS] has misapplied existing law and regulations and desires a review of the decision dated August 26, 2002." However, on January 7, 2004, counsel notified the AAO that the petitioner would not be filing a brief in this matter.

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. 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.