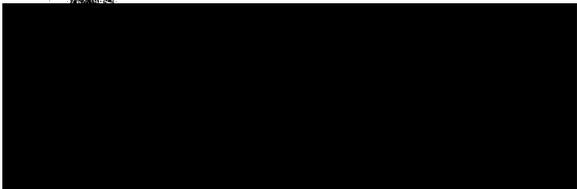




U.S. Citizenship
and Immigration
Services

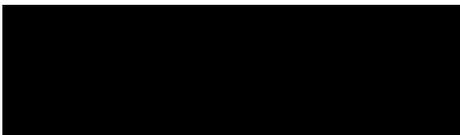
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FILE: EAC 02 221 54331 Office: VERMONT SERVICE CENTER

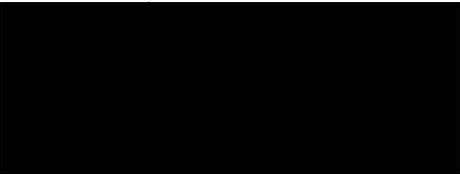
Date: JUN 01 2004

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)

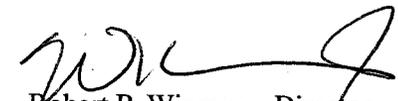
ON BEHALF OF PETITIONER:



**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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

PUBLIC COPY

DISCUSSION: The Director, Vermont 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 production of preserved fruits. It seeks to employ the beneficiary as its marketing executive, and filed a petition to classify the beneficiary as a nonimmigrant intracompany transferee.

The director denied the petition concluding that the petitioner failed to establish that the beneficiary was employed abroad in a primarily managerial or executive capacity, or that the beneficiary would be employed in the United States in a qualifying capacity. The director noted that the petitioner had failed to provide evidence requested by the director pertaining to the job duties of the beneficiary and the petitioner's claimed employees. The director concluded that the record did not establish that the beneficiary functions as a senior level within the organizational hierarchy, or that the beneficiary's subordinates would relieve him from performing non-qualifying functions.

In an appeal dated January 6, 2003, counsel requests more time "to gather evidence and file a brief." No other documentation or explanation was submitted on 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.

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 his decision. Nor did counsel cite any precedent case law that would support its 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 specifically identify 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.