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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services



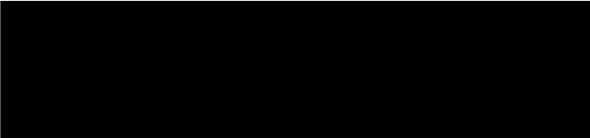
MAR 12 2004

FILE: SRC 01 175 55237 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:



PUBLIC COPY

**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

DISCUSSION: The Director, Texas 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, a Pakistani company, is engaged in the manufacturing and export of knives. It seeks to temporarily employ the beneficiary as its manager in the United States, and filed a petition to classify the beneficiary as a nonimmigrant intracompany transferee. The director denied the petition concluding that the petitioner had not established the existence of a qualifying relationship between the foreign and U.S. entities pursuant to 8 C.F.R. § 214.2(l)(1)(ii)(G).

In an appeal dated November 12, 2002, counsel contends that the “denial was due to the incorrect application of the law by the [Citizenship and Immigration Service] and misstatements of facts in evidence.” Counsel states that a brief and evidence will be submitted to the AAO within thirty days. Counsel also submits a Notice of Entry of Appearance as Attorney or Representative, Form G-28, in which she identifies herself as the attorney for the beneficiary. 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)(iii)(B) states that, for purposes of an appeal in this section, the phrase “affected party” means the person or entity with legal standing in a proceeding, and does not include the beneficiary of a visa petition. The regulation at 8 C.F.R. § 103.3(a)(2)(v) further notes that “an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed.” In the present matter, counsel indicates on both the appeal Form I-290B and Form G-28 that she is representing the beneficiary in the appeal. Therefore, the appeal must be rejected, as the beneficiary does not have legal standing in the appeal proceeding.

Furthermore, 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 her decision. Nor did counsel cite any precedent case law that would support counsel’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 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.