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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



File: EAC 02 253 50527

Office: VERMONT SERVICE CENTER

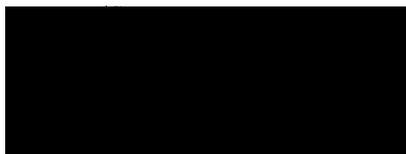
Date: OCT 01 2004

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)

IN 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, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a corporation organized in the State of New Jersey in May 2001. It manufactures and exports wearing apparel. It seeks to temporarily employ the beneficiary as its international sales and marketing manager. Accordingly, the petitioner endeavors to classify the beneficiary as a nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner claims that it is the subsidiary of Usham Exports, located in New Delhi, India.

The director denied the petition concluding that the petitioner had not established that the beneficiary had been or would be employed in either a managerial or an executive capacity.

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 for the petitioner submitted a Form I-290B, Notice of Appeal, filed on March 13, 2003. Counsel indicated on the Form I-290B that a separate brief or evidence would not be submitted. The statement on the Form I-290B reads:

This is an appeal of a denial of a petition to extend the L-1A classification and permitted length of stay of the beneficiary under Section 101(a)(15)(L) of the Immigration and Nationality Act. The petition to extend had been filed after the approval of the initial petition to change the beneficiary’s status to L-1A had been granted but for a back dated period which had already expired prior to the approval of the change of status. The decision to deny the petition to extend the stay of the beneficiary is contrary to the weight of the evidence and simply asserts that the petitioner’s detailed evidence and information are vague and unconvincing without substantiation in fact or support in law.

Counsel’s statement on appeal does not identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal. Asserting that the director’s decision is not based on fact and is not supported by the law is not sufficient to establish a basis for appeal. Counsel’s statement does not specifically identify any errors of law or fact made by the director. Inasmuch as counsel does not identify an erroneous conclusion of law or statement of fact as the basis of the appeal, the regulations mandate the 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. Here, that burden has not been met.

**ORDER:** The appeal is summarily dismissed.