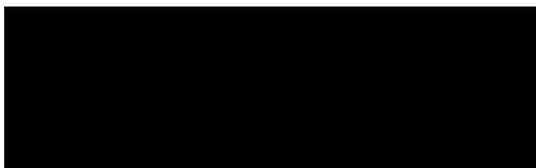




U.S. Citizenship
and Immigration
Services

27



File: SRC 02 183 50613 Office: TEXAS SERVICE CENTER

Date:

IN RE: Petitioner:

Beneficiary:



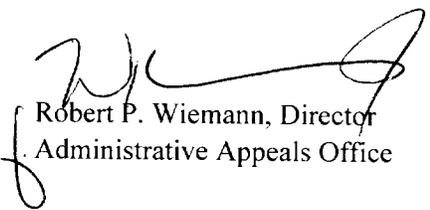
Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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, Texas Service Center, initially approved the nonimmigrant visa petition. On the basis of new information received and on further review of the record, the director determined that the petitioner was not eligible for the benefit sought. Accordingly, the director properly served the petitioner with notice of intent to revoke the approval and her reasons therefore pursuant to 8 C.F.R. §§ 214.2(l)(9)(iii)(A) and (B). The director ultimately revoked the approval of the petition on March 18, 2003. The matter is now before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The petitioner is an organization incorporated in the State of Georgia in February 2001. It sells and distributes leather goods. It seeks to employ the beneficiary as its president. 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 Allah Wasaya and Company, located in Niaz Nagar Din Garh Kasur, Pakistan.

The director revoked the petition concluding that the petitioner had not established: (1) a qualifying relationship with the foreign entity; (2) that the foreign entity is doing business as defined by the regulations; (3) that the United States entity is doing business as defined by the regulations; (4) that the beneficiary has been or would be employed in a managerial or executive capacity; and (5) that the petitioner appeared to misrepresent the facts of the matter. Specifically, the director observed a number of contradictions and inconsistencies in the evidence of record.

On the Form I-290B Notice of Appeal, filed on April 10, 2003, counsel for the petitioner stated that he needed an additional 60 days to submit a brief and/or evidence. However, counsel failed to show cause for the need to submit a late brief or otherwise explain the necessity for the request for an extension of time. The AAO will grant an extension to file a brief only where good cause is shown. 8 C.F.R. § 103.3(a)(2)(vii). Irregardless of counsel's failure to show cause for a late-filed brief, careful review of the record reveals no subsequent submission of a brief or evidence; all of the documentation in the record predates the issuance of the notice of decision. Accordingly, the record is considered complete.

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's statement on the Form I-290B reads:

The Center Director erred in revoking the Petitioner's approved L-1A petition for the following reasons:

1. The U.S. petitioner is and continues to be a qualifying entity eligible to sponsor the beneficiary as an L-1 executive and manager, all as shown by the extensive evidence submitted with the original petition and the responses to the RFE herein;
2. The alien is eligible to be an L-1A under the Act, as established by the evidence submitted;

3. The evidence submitted amply proved that both the U.S. petitioner-company and the parent company in Pakistan are both large companies which are actively engaged in business and have millions of dollars in revenues;
4. Petitioner did not misrepresent any facts in this case to the Service;
5. For such other and further reasons as shall be set forth in the Brief of Petitioner to be submitted hereinafter.

Counsel's statement sets forth his disagreement with the director's decision but does not identify specifically any erroneous conclusions of law or statements of fact made by the director as a basis for the appeal. Merely disagreeing with the director's conclusions, without specifically addressing the director's findings, is not sufficient for purposes of this appeal. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). Thus, the regulations mandate the summary dismissal of the appeal.

Under CIS regulations, the approval of an L-1A petition may be revoked on notice under six specific circumstances. 8 C.F.R. § 214.2(l)(9)(iii)(A). To properly revoke the approval of a petition, the director must issue a notice of intent to revoke that contains a detailed statement of the grounds for the revocation and the time period allowed for rebuttal. 8 C.F.R. § 214.2(l)(9)(iii)(B). Upon review, the present petition was properly revoked as the petition was approved in gross error, contrary to the eligibility requirements provided for in the regulations and despite contradictory and inconsistent evidence.

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.