



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: EAC 03 001 52118 Office: VERMONT SERVICE CENTER Date: 11/12/11

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, 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 claims it is a corporation organized in the State of New York in 1997. It distributes woolen carpets and rugs. It seeks to temporarily employ the beneficiary as its president and chief executive officer. 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 a wholly owned subsidiary of AM Corporation, located in Lahore, Pakistan.

The director denied the petition concluding that the record: (1) did not substantiate a qualifying relationship between the U.S. petitioner and the foreign entity; and, (2) did not establish that the U.S. petitioner had been doing business on a regular, systematic, and continuous basis.

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."

On the Form I-290B Notice of Appeal, filed on May 1, 2003, counsel for the petitioner indicates a brief and/or evidence will be submitted to the AAO within 30 days. To date, a review of the file does not reveal any documentation dated subsequent to May 1, 2003.

The statement on the Form I-290B reads:

The Service Center decision is arbitrary & capricious. We will send a detail brief within 30 days. Thank you.

Counsel for the petitioner does not identify specifically an erroneous conclusion of law or a statement of fact in the director's decision. Counsel's conclusory assertion is not sufficient to form a basis for the appeal. Inasmuch as counsel has not identified 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.