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U.S. Citizenship
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File: EAC 02 009 53020

Office: VERMONT SERVICE CENTER

Date: DEC 14 2005

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:

SELF-REPRESENTED

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 worker. 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 June 2001. It manufactures and sells sweets. It seeks to temporarily employ the beneficiary as its general manager, a position the petitioner claims requires specialized knowledge. 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 avers that it is affiliated with [REDACTED] located in Colony, Multan, Pakistan.

On October 31, 2001, the director denied the petition, determining that: (1) the petitioner had not established that the beneficiary had been or would be employed in a specialized knowledge capacity; or (2) that a qualifying relationship exists between the petitioner and the foreign entity.

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 or about November 19, 2001, the petitioner filed a Form I-290B Notice of Appeal. The petitioner noted on the Form I-290B that it would not submit a separate brief or evidence.

The statement on the Form I-290B reads:

Respected Sir/Mam. It is humbly stated that the denial of Petition, I have received I am filing appeal against this decision. I am owner of [REDACTED] [illegible] in Pakistan and its Branch in America. [REDACTED] [the beneficiary] is my Sales Person. The officer perhaps did no consider my request due to reasons he knows better. My request is to review my documentation and covering letter and response to the referral letter. I believe if you go in the pages of file, my petition may be approved.

The statement on the appeal form does not identify an erroneous conclusion of law or statement of fact for the appeal. As such, the regulations mandate the summary dismissal of the appeal.

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.