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U.S. Citizenship
and Immigration
Services



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File: EAC 03 032 52959 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, initially approved the intracompany transferee nonimmigrant visa petition. Upon subsequent review, the director issued a notice of intent to revoke and ultimately revoked approval of the 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 York in October 2002. It claims it exports American production technology and raw material to China. It seeks to temporarily 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 a subsidiary of [REDACTED]

The director initially approved the petition on November 18, 2002. Upon subsequent review of the evidence in support of the petition, the director issued a notice of intent to revoke approval on August 15, 2003, observing that Citizenship and Immigration Services (CIS) had received a large number of filings from other petitioners allegedly located at the petitioner's address. The director noted other discrepancies and requested evidence to clarify the discrepancies and to establish the beneficiary's eligibility for this visa classification. In the notice of intent to revoke, the director indicated that a decision on the proposed revocation would not be made for 30 days, allowing the petitioner opportunity to submit any evidence that would overcome the grounds for revocation. The director revoked approval of the petition on December 11, 2003, noting that the petitioner had not responded to the notice of intent to revoke.

On January 10, 2004, the petitioner submitted a Form I-290B, Notice of Appeal, indicating that it had not received the August 15, 2003 notice of intent to revoke because it had moved to a different address. The director reopened the matter and on June 9, 2004, resent the information contained in the notice of intent to revoke. The director afforded the petitioner 60 days to submit evidence to overcome the grounds for revocation. Citizenship and Immigration Services (CIS) receiving no rebuttal to the issues raised in the notice of intent to revoke, revoked approval on December 15, 2004.

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."

The petitioner submitted a Form I-290B Notice of Appeal, on January 18, 2005. The petitioner did not indicate on the Form I-290B whether a brief or evidence would be submitted. The petitioner did not provide any reasons for the appeal. To date, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

Inasmuch, as the petitioner failed to specifically identify any erroneous conclusion of law or statement of fact, 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.

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ORDER: The appeal is summarily dismissed.