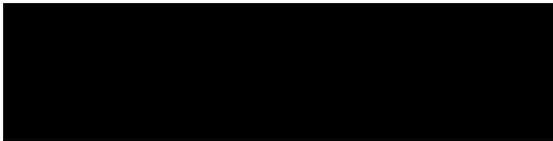


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Services**

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invasion of personal privacy



DA

FEB 07 2005

FILE: WAC-02-136-50869 Office: CALIFORNIA SERVICE CENTER Date:

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:



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, California 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 states that it is a clothing importer and wholesaler. It seeks to employ the beneficiary temporarily in the United States as its President, pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The director denied the petition concluding that the petitioner did not establish that: (1) the beneficiary was employed abroad in a primarily managerial or executive capacity; (2) the petitioner has a qualifying relationship with a foreign entity; and (3) the petitioner can support the beneficiary in a primarily executive or managerial position.

On the Form I-290B appeal, counsel for the petitioner states that "[t]he record contains evidence to establish that the Parent Company in Venezuela is 100% owner of the U.S. Subsidiary. Beneficiary has been working in an executive capacity for the Parent Company in Venezuela based on the described job duties and the evidence regarding the business activities that have been performed under the supervision and direction of the Beneficiary." Counsel does not identify specifically an erroneous conclusion of law or a statement of fact in this proceeding. Counsel further states that a brief or evidence would be submitted to the AAO within 30 days. The appeal was filed on June 28, 2002. As of this date, the AAO has received no further documentation or correspondence from counsel or the petitioner, and the record will be considered complete.

To establish eligibility under section 101(a)(15)(L) of the Act, the petitioner must meet certain criteria. Specifically, within three years preceding the beneficiary's application for admission into the United States, a firm, corporation, or other legal entity, or an affiliate or subsidiary thereof, must have employed the beneficiary for one continuous year. Furthermore, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial, executive, or specialized knowledge capacity.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition.

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, 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.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

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. The petitioner has not met this burden.

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