

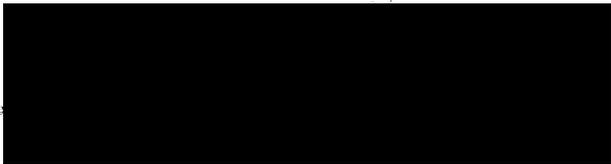
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U.S. Department of Homeland Security
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U.S. Citizenship
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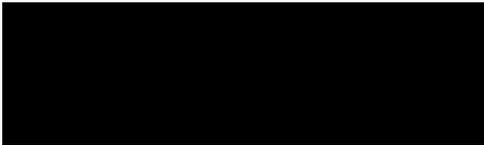


FILE: SRC 04 053 50581 Office: TEXAS SERVICE CENTER Date: JUL 05 2005

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, Texas 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 engaged in the business of computer gaming sales and repair. It seeks to extend its authorization to employ the beneficiary temporarily in the United States as its president and general manager, 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 has failed to establish that the beneficiary would be employed in a primarily managerial or executive capacity in the United States.

On the Form I-290B appeal, counsel states as reasons for the appeal:

The Center Director erred in failing to approve the L-1A Petition for following reasons:

1. [REDACTED] will be employed at an Executive or Manager level at [REDACTED]
2. For such other reasons as shall be set forth in the evidence submitted.

Counsel also submits a brief on appeal. In the brief, counsel does not state any other reason for the appeal. Instead, counsel restates portions of the Immigration and Nationality Act (the Act) and repeats the description of the beneficiary's position from the letter of support that the petitioner submitted with the petition. Counsel does not address any of the director's findings, or identify specifically any erroneous conclusions of law or statements of facts made in the director's decision.

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.

The 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 counsel 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.