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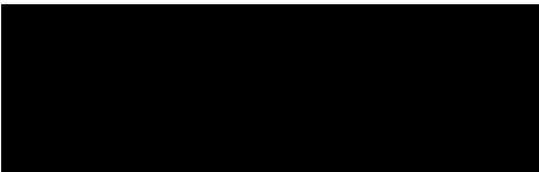


FILE: WAC 03 248 52885 Office: CALIFORNIA SERVICE CENTER Date: JUN 06 2005

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 nonimmigrant visa petition was denied by the Director, California Service Center. The matter is now before the AAO on appeal. The appeal will be summarily dismissed.

The petitioner was established in 2003 and claims to be an international investment intermediary and hybrid merchant banking and financial advisory group. According to the information contained in the petition, the petitioner is claiming to be a branch office of Impact Capital Partners, Ltd., located in the United Kingdom. The petitioner seeks to employ the beneficiary temporarily in the United States in a managerial or executive capacity, namely as a partner. The director denied the petition stating that the evidence provided by the petitioner did not establish that a qualifying relationship existed between the U.S. and foreign entities.

On appeal, counsel indicated that he would submit a brief or evidence to the AAO within 30 days. The notice of appeal is dated January 28, 2004. To date, the AAO has not received any additional evidence. Therefore, the record is considered complete.

Counsel merely states in the notice of appeal that the director abused her discretion in denying the petition by applying incorrect standards of law and by ignoring the plain meaning of the terms used in support of the petition. While counsel contends that the director's incorrect application of the law resulted in an incorrect denial, the decision contains sufficient evidence that the director properly reviewed the record and denied the petition using correct standards of law.

The regulation at 8 C.F.R. 103.3(a)(1)(v) states in part:

Summary dismissal. 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.

As counsel for the petitioner has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal, the appeal will be summarily dismissed.

In visa petition proceedings, the burden of proving eligibility for the benefit sought rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not sustained that burden.

ORDER: The appeal is summarily dismissed.