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U.S. Citizenship  
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FILE: WAC-03-248-50235 Office: CALIFORNIA SERVICE CENTER Date: JUN 07 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:

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, 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 sells and repairs jewelry. It seeks to change to beneficiary's status to L-1A pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L), and extend his stay for a two year period. The director denied the petition concluding that the petitioner failed to establish that: (1) the petitioner has a qualifying relationship with the beneficiary's foreign employer; and (2) the beneficiary has been employed abroad in a primarily managerial or executive capacity.

In a short attachment to Form I-290B, the petitioner states the following:

[The beneficiary's] employment by the parent company . . . as president has no discrepancy with his wife and him owing the U.S. entity. [The beneficiary's] experience of 30 years as a jeweler does not interfere with the responsibilities of being president of [the foreign entity]. His affiliation with jewelry has been an additional vocation, which does not affect his performance as president of [the foreign entity] and currently of [the petitioner].

[The beneficiary] directs major components and functions of [the petitioner]. He also establishes goals and policies of the organization as well as exercises wide areas of input of the company's decision-making. [The beneficiary] receives direct supervision from higher level executives, board of directors, and stock holders at [the foreign entity] on a regular basis.

The petitioner does not address the director's decision or the grounds for denial, and the petitioner fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

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.