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**U.S. Citizenship
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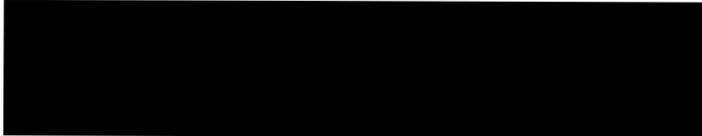
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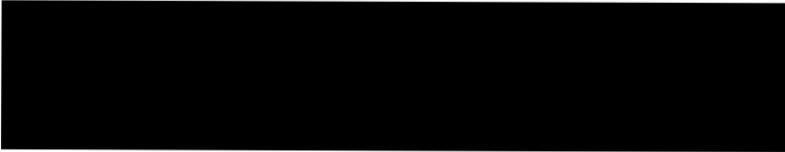
FILE: SRC 05 003 50848 Office: TEXAS SERVICE CENTER Date: **APR 03 2006**

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:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 a soccer club. It seeks to employ the beneficiary temporarily in the United States as its sports coordinator. The director denied the petition based on the conclusion that the petitioner failed to establish that (1) the beneficiary had been employed in a primarily managerial or executive capacity while abroad; or that (2) the beneficiary would be employed in a primarily managerial or executive capacity in the United States.

On appeal, the petitioner filed Form I-290B, which states "SEE ATTACHED SHEET." On the sheet accompanying Form I-290B, counsel for the petitioner states:

- A- THE IMMIGRATION OFFICER ERRED BY DENYING THE APPLICANT'S APPLICATION FOR HIS APPLICATION (I-129) PETITION FOR NONIMMIGRANT BASED ON THE FACT THAT HE WAS NOT CONSIDERED EMPLOYED AS A MANAGER/EXECUTIVE FOR HIS CLASSIFICATION FOR L1A CLASSIFICATION.

- B- THE IMMIGRATION OFFICER ERRED BY FINDING THAT THE APPLICANT WAS NOT A MANAGER/EXECUTIVE AS DEFINED BY STATUTE.

These statements by counsel, however, fail to adequately address the director's conclusions. The information submitted on appeal consists merely of a general objection to the unfavorable decision of the director, and do not specifically identify any errors on the part of the director.

In this matter, the petitioner was petitioning to temporarily employ the beneficiary in the United States as a sports coordinator, the same position he held abroad since March 19, 1998. His position duties, both abroad and in the U.S., included providing training to the team's coaches and trainers and being responsible for team and players' coordination and training. The evidence submitted in support of the petition and in response to the director's request for evidence was insufficient to establish that the beneficiary had been employed abroad and would be employed in the U.S. in a primarily managerial or executive capacity. In the denial, the director found that the beneficiary was the person responsible for performing the tasks necessary for the ongoing operation of the petitioner's soccer club, namely, the training and coordination of teams and players. An employee who primarily performs the tasks necessary to produce a product or to provide services is not considered to be employed in a managerial or executive capacity. *Matter of Church Scientology International*, 19 I&N Dec. 593, 604 (Comm. 1988).

On appeal, counsel for the petitioner fails to specifically address the issues raised by the director, and does not attempt to overcome the director's conclusions. The petitioner merely claims that "the immigration officer erred," but does not articulate in what manner the director's decision is erroneous.

The director did a thorough analysis and specifically discussed the deficiencies in the petition when rendering the denial. Furthermore, the director restated the petitioner's description of the beneficiary's duties, and pointedly discussed the inconsistencies among these duties and the requirements of the regulations. Counsel's general statements, without specifically identifying any errors on the part of the director, are simply

insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the petitioner. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

As stated above, absent a clear statement, brief and/or evidence to the contrary, the petitioner does not identify, specifically, an erroneous conclusion of law or statement of fact. Hence, the appeal must be summarily dismissed. *See* 8 C.F.R. § 103.3(a)(1)(v).

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.

In the instant case, counsel for the petitioner fails to acknowledge or address the director's reasons for the denial. Accordingly, the appeal will 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. Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the petitioner has not sustained that burden. Therefore, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.