

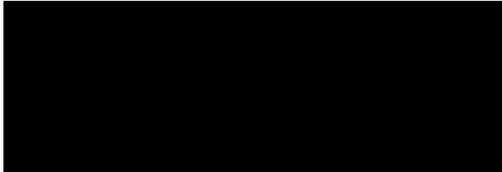
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**U.S. Citizenship
and Immigration
Services**

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FILE: SRC 03 190 54099 Office: TEXAS SERVICE CENTER

Date: JUL 07 2006

IN RE: Petitioner: [REDACTED]
Beneficiary [REDACTED]

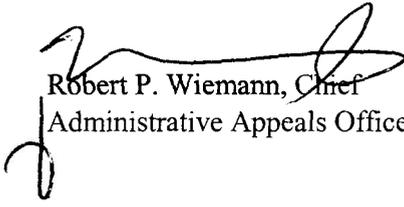
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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, Chief
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, [REDACTED] claims to be an affiliate of [REDACTED] located in Singapore. The U.S. entity was incorporated in Florida on February 22, 2000 and is engaged in the consultancy business. Accordingly, in June 2003, the U.S. entity petitioned Citizenship and Immigration Services (CIS) to classify the beneficiary as a nonimmigrant intracompany transferee (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), as an executive or manager for two years. The petitioner seeks to employ the beneficiary's services as a new employee and as the U.S. entity's general management president. The director denied the petition based on the conclusion that that the beneficiary has not been employed in a managerial or executive capacity.

Although the petitioner has submitted a brief, the brief fails to adequately address the director's conclusions. In the brief, the petitioner requests further consideration due to the fact that he enclosed "a joint venture agreement with [REDACTED] Florida and three Americans regarding an American property with an estimated value of \$75 million." In addition, the appeal clarifies what the petitioner believes to be two misunderstandings made by the director in the decision. The petitioner stated that it was the Chairman of the Washington Post, Mr. [REDACTED] who personally wrote the beneficiary a handwritten note, and that he "wrote very kind words of compliments that I am sure he gives out only sparingly to those whom he is highly impressed with." The appeal also stated that the beneficiary writes a newspaper column every other Saturday rather than "occasionally." On appeal, the petitioner requests further consideration due to the comments made by the Washington Post Chairman and "one of America's greatest businessmen, Mr. [REDACTED]"

Moreover, the petitioner explained on appeal that "the revelation of any contracts I had entered into and may potentially enter into with any American parties puts my company at a serious disadvantage that may even be fatal to the well-being of my company. My business is heavily dependent on privacy and confidentiality." Despite these concerns, based on the minimal documentation in the record, it cannot be determined that the petitioner has established that the beneficiary will be in a position of managerial or executive capacity. 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).

The director's decision states that the evidence submitted does not establish that the beneficiary will hold a position of managerial or executive capacity in the United States. In addition, the director suggests that the petitioner has not established the burden required to establish the eligibility for the benefits sought. The director found that the petitioner has not established that the beneficiary will be performing duties which primarily require him to plan, organize, direct and control the organization's major functions by working through other managerial or professional employees in the United States. The petitioner's general objections to the denial of the petition, without specifically identifying any errors on the part of the director or providing new evidence to support that the beneficiary is in a position of managerial capacity, 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. at 190.

Contrary to the petitioner's assertions that the beneficiary is eligible for the benefit sought due to the fact that two successful businessmen complimented him, particularly in light of the director's detailed reason for denying the petition, the facts in this case do not meet the burden in evidencing that the beneficiary will be in a position of managerial or executive capacity. Rather, the record shows that the beneficiary will be engaged in running the business since it does not appear that there are any other full-time employees to perform the daily activities of the business. Thus, it appears that the beneficiary will be providing the services of the business rather than directing such activities. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). In the instant case, petitioner fails to resolve the concerns discussed in the denial.

To establish L-1 eligibility under section 101(a)(15)(L) of the Act, the petitioner must demonstrate that the beneficiary, within three years preceding the beneficiary's application for admission into the United States, has been employed abroad in a qualifying managerial or executive capacity, or in a capacity involving specialized knowledge, for one continuous year by a qualifying organization and seeks to enter the United States temporarily in order to continue to render his or her services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge.

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 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.