

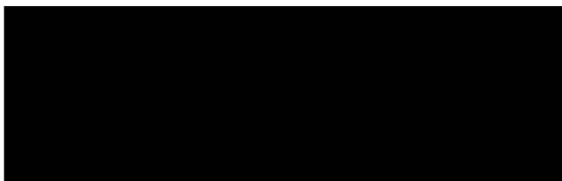
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



File: SRC 04 178 52360 Office: TEXAS SERVICE CENTER Date: MAR 22 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, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the intracompany transferee nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner claims to also be known as [REDACTED] a corporation organized in the State of Florida in November 2003. It claims it is in the marketing industry. It seeks to temporarily employ the beneficiary as its marketing and finance manager. Accordingly, the petitioner endeavors to classify the beneficiary as a nonimmigrant intracompany transferee 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 on February 15, 2005, determining that the petitioner had not: (1) established a qualifying relationship between the foreign and U.S. companies; (2) described the beneficiary's foreign employment; or (3) provided sufficient evidence of its capitalization. The director concluded that the petitioner had not met the requirements of 8 C.F.R. § 214.2(l)(3) when the petition was filed.

On March 15, 2005, the petitioner submitted a Form I-290B, Notice of Appeal, indicating that a brief and/or evidence would be submitted within 30 days. The petitioner did not indicate why the brief would be submitted late or otherwise provide good cause for the requested extension. To date, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision. Regardless, pursuant to 8 C.F.R. § 103.3(a)(2)(vii), the petitioner's request for additional time to submit a brief is denied as a matter of discretion for failure to show good cause. The petitioner's statement on the Form I-290B reads:

I am appealing this decision because I will submit the evidence you are asking for.

To establish L-1 eligibility, the petitioner must meet the criteria outlined in section 101(a)(15)(L) of the Act, 8 U.S.C. § 1101(a)(15)(L). **Specifically, a qualifying organization must have employed the beneficiary in a qualifying managerial or executive capacity, or in a specialized knowledge capacity, for one continuous year within three years preceding the beneficiary's application for admission into the United States.** In addition, 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.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, 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 fails to specifically identify any erroneous conclusion of law or statement of fact, the regulations mandate the summary dismissal of the appeal.

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. In visa petition proceedings, the burden of proving eligibility for the benefit

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sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.