



U.S. Citizenship  
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FILE: EAC 04 213 50051 Office: VERMONT SERVICE CENTER Date: SEP 08 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.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Vermont 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 engaged in food processing. It seeks to employ the beneficiary as an intracompany transferee with specialized knowledge pursuant to § 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 based on the conclusion that the petitioner (1) failed to establish that the beneficiary possessed specialized knowledge and would be employed in a position in the United States that required specialized knowledge; and (2) failed to establish that the beneficiary's past employment abroad was in a specialized knowledge capacity.

On appeal, counsel for the petitioner indicated on Form I-290B, that it would submit a brief and/or additional evidence to address the director's denial within thirty days. In a letter dated February 4, 2005, counsel for the petitioner requested an additional thirty days in which to submit a supporting statement, because documentation from the beneficiary's foreign employer had not yet been received.

On the Notice of Appeal received on January 8, 2005, counsel for the petitioner clearly indicates that it would send a brief with the necessary evidence [to the AAO] within thirty days. In his letter dated February 4, 2004, counsel again makes the same assertion. According to 8 C.F.R. § 103.3(a)(2)(i), the petitioner "shall file the complete appeal including any supporting brief with the office where the unfavorable decision was made within 30 days after service of the decision," which in the case at hand would be no later than, January 10, 2005. The petitioner made two separate requests for additional time to submit an appeal, both of which were granted by the AAO. See 8 C.F.R. § 103.3(a)(2)(vii). To date, however, there is no indication or evidence that the petitioner ever submitted a brief and/or evidence in support of the appeal with the Service or with the AAO.<sup>1</sup>

Although counsel submitted a brief statement on the Form I-290B, he failed to adequately address the director's conclusions. In this brief statement, counsel states that the "alien has been employed by a foreign affiliate in a management capacity, as well as a position that involves specialized knowledge for the requisite period of time." Counsel's general objection on the Form I-290B, without specifically identifying any errors on the part of the director, is 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 Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

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).

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<sup>1</sup> On July 24, 2006, the AAO telephoned counsel's office and left a message regarding this matter. As of the date of this decision, the AAO has received no response from counsel or the petitioner.

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 counsel 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.