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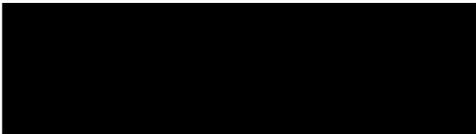


FILE: EAC 07 032.51730 Office: VERMONT SERVICE CENTER Date: DEC 04 2007

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:



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 filed the nonimmigrant petition seeking to temporarily employ the beneficiary pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner, a New York corporation, states that it is engaged in real estate development and asset management. It claims to be a subsidiary of [REDACTED] located in Israel. The petitioner seeks to employ the beneficiary as the business development executive of its new office in the United States.

The director denied the petition on March 19, 2007, concluding that the petitioner did not establish: (1) that the U.S. company has a qualifying relationship with the foreign entity; (2) that the beneficiary has been employed by the foreign entity in a primarily managerial or executive capacity for one continuous year in the three-year period preceding the filing of the petition; or (3) that the U.S. company would support a managerial position within one year of approval of the petition. The director emphasized that the petitioner had failed to address many issues raised in a request for evidence issued on December 15, 2006.

The petitioner subsequently filed an appeal on April 19, 2007. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On the Form I-290B, Notice of Appeal to the AAO, counsel for the petitioner indicated that he would send a brief and/or evidence to the AAO within 60 days. He attached a cover letter indicating that "the applicant is not ready with the evidence to establish the case," and noted that the additional time would allow the petitioner time to obtain additional evidence from Israel. As no additional evidence has been incorporated into the record, the AAO contacted counsel by facsimile on October 15, 2007 to request that counsel acknowledge whether the brief and/or evidence were timely submitted, and, if applicable, to afford counsel an opportunity to re-submit the documents. To date, no response has been received. Accordingly, the record will be considered complete.

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.

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.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition. Counsel has not identified any errors on the part of the director or otherwise addressed the three separate grounds for the denial of the petition.

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 support of the appeal, the petitioner has not sustained that burden.

**ORDER:** The appeal is summarily dismissed.