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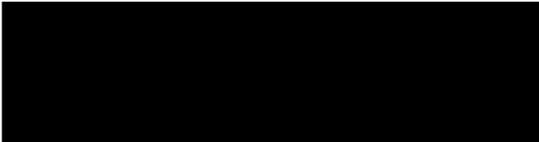
FILE: LIN 05 036 51106 Office: NEBRASKA SERVICE CENTER Date: DEC 26 2007

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, Nebraska 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 extend the employment of its chief executive officer 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 Texas corporation, is described as an investment company currently operating an information technology consulting business and a grocery store. It claims to be a subsidiary of Banbhore Ceramic Industries, located in Pakistan. The beneficiary was previously granted L-1A status to work for the petitioner and the petitioner now seeks to extend his stay for three additional years.¹

The director denied the petition on March 1, 2005, concluding that the petitioner had failed to establish that the beneficiary would be employed by the U.S. company in a primarily managerial or executive capacity. The director observed that there were a number of discrepancies in the record between the petitioner's assertions and the submitted evidence, particularly with respect to the number of employees and their wages. The director found that the unexplained discrepancies cast doubt on the bona fides of the petition and the evidence as a whole.

The petitioner subsequently filed an appeal on March 30, 2005. 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, the petitioner states the following:

We believe that we can show very clearly why there are alleged discrepancies in the documents. Further we will show exactly all the numbers and how they add up to our claim in the documents.

The petitioner indicated on Form I-290B that a brief and/or additional evidence would be sent to the AAO within 30 days. As of this date, more than two years after the appeal was filed, no additional evidence has been submitted. 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

¹ The beneficiary was previously granted L-1A status from July 29, 1999 until July 29, 2000 (SRC 99 187 51061) and from July 1, 2000 until July 1, 2002 (SRC 00 257 52377). The instant request for an extension of the beneficiary's L-1A status was filed on November 19, 2004, more than two years after the expiration of the beneficiary's previously accorded L-1A status. The petitioner explained that its former counsel had advised the company that it was not necessary to file further extensions subsequent to the petitioner's filing of a Form I-140, Immigrant Petition for Alien Worker, on behalf of the beneficiary. The petitioner acknowledged the error and requested that the delay in filing the instant petition be excused.

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. A review of the director's decision dated March 1, 2005 reveals the director accurately and thoroughly set forth a specific, legitimate basis for denial of the petition. On appeal, the petitioner has not specifically contested the grounds for denial, identified an erroneous conclusion of law or statement of fact, or submitted additional evidence. 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)).

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.