



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

D7



File: LIN 06 036 51628 Office: NEBRASKA SERVICE CENTER Date: MAY 01 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)

IN 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 this nonimmigrant visa petition seeking to employ the beneficiary as its marketing manager as an L-1A 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 petitioner is a corporation organized under the laws of the State of Washington and is allegedly in the hospitality business. The director denied the petition concluding that the petitioner did not establish (1) that the beneficiary had been employed abroad by a qualifying organization for at least one year; (2) that the beneficiary has been employed in a primarily executive or managerial capacity; or (3) that the petitioner, within one year of the approval of the petition, will support an executive or managerial position.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, counsel to the petitioner states in the Form I-290B as follows: "The decision of the center director is arbitrary and abuse of discretion. It is not supported by the evidence presented and also not in accordance with the USCIS guidelines." Counsel further indicated that he would be sending a brief and/or evidence to the AAO within thirty days. However, as of the date of this decision, neither a brief nor additional evidence has been received and the record will be considered complete.¹

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.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition.

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.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed. A general assertion that the director's

¹On March 14, 2007, the AAO sent a fax to counsel requesting that he submit a brief and/or additional evidence, if these materials had previously been submitted, within five business days along with evidence of the date they were originally filed with Citizenship and Immigration Services. As of the date of this decision, counsel has not responded to this request.

LIN 06 036 51628

Page 3

decision was contrary to law or factually erroneous is insufficient. Consequently, the appeal must be dismissed.

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. The petitioner has not met this burden.

ORDER: The appeal is summarily dismissed.