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**U.S. Citizenship  
and Immigration  
Services**



*DA*

FILE: SRC 01 185 53692 Office: TEXAS SERVICE CENTER Date: **MAY 15 2007**

IN RE: Petitioner:



Beneficiary:

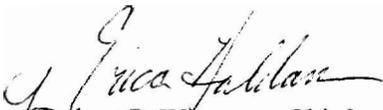
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Texas 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 an international management consulting company. It seeks to employ the beneficiary temporarily in the United States as its assistant general manager, 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 concluding that the petitioner had failed to demonstrate that it would continue to do business outside the United States through a qualifying branch, parent, affiliate or subsidiary.

On the Form I-290B appeal, the petitioner contends:

There is one subject which the Petitions are [sic] being denied which is that [Citizenship and Immigration Services (CIS)] feels that I am not doing business in Colombia. As I feel that this interpretation does not reflect the reality, I wish to present a brief to clarify the situation and demonstrate that I am my 3 Companies are doing business in Colombia[.]

The petitioner indicates that a brief or evidence would be submitted to the AAO within 90 days. The appeal was received by the AAO on January 28, 2002. As of this date, the AAO has received nothing further and 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.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition. The petitioner's general objections to the denial of the petition, without specifically identifying any errors on the part of the director, are simply insufficient to overcome the well-founded and logical conclusions the director reached based on a review of the record. 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)).

Contrary to the petitioner's claims, the record does not establish the existence of a United States entity or foreign organization, which would qualify as qualifying organizations. In order to meet the definition of "qualifying organization," there must be a United States employer. See 8 C.F.R. 214.2(l)(1)(ii)(G)(2). Similarly, the regulations require the petitioner to demonstrate that it will continue to do business outside the United States through a qualifying branch, parent, affiliate or subsidiary. See *id.* (defining "qualifying organization" as a United States or foreign firm, corporation, or other legal entity which is or will be doing business in at least one other country for the duration of the alien's stay in the United States as an intracompany transferee). It is not clear from the record whether a United States entity exists in which to employ the beneficiary, or whether the purported foreign entity continues to do business overseas. The petitioner merely claims to be "a small business person" in Colombia and the United States, yet submits no documentation that it is doing business as a sole proprietorship or corporation. The petitioner's blanket claims

that it will offer management consulting services to businesses in the United States, as well as to companies located in Argentina, Chile, Mexico, Peru or Venezuela, are not sufficient to meet the definition of qualifying organization.

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.

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.