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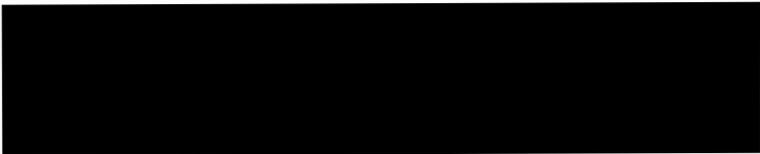


FILE: WAC 08 081 51307 Office: CALIFORNIA SERVICE CENTER Date: NOV 03 2008

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will summarily dismiss the appeal.

The petitioner filed this nonimmigrant petition seeking to employ the beneficiary as an L-1B nonimmigrant intracompany transferee with specialized knowledge 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 California corporation, states that it is a staffing, outsourcing and management services company, and a subsidiary of 7107 Islands Placement and Promotions, Inc., located in the Philippines. The petitioner seeks to employ the beneficiary as a management analyst for a three-year period.

The director denied the petition on June 12, 2008, concluding that the petitioner failed to establish: (1) that the beneficiary possesses specialized knowledge; and (2) that the beneficiary has been and would be employed in a position requiring specialized knowledge. The director acknowledged the beneficiary's current and proposed duties and noted that, while she appears to be well-qualified for the proffered position, the petitioner had not demonstrated that the beneficiary possesses special knowledge of the petitioner's services, techniques or other interests, or an advanced level of knowledge in the organization's processes and procedures. Rather, the director found that the beneficiary possesses knowledge and skills that would likely be possessed by any similarly educated management analyst.

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 the Form I-290B, Notice of Appeal or Motion, counsel for the petitioner states: "The director erred in its findings that the beneficiary does not qualify for the position. We will submit our brief in 30 days to support our stand."

The appeal was filed on July 15, 2008. The AAO contacted counsel on September 22, 2008 to inquire as to whether counsel timely submitted her brief, as no additional brief or evidence had been incorporated into the record of proceeding. Counsel responded to the AAO's facsimile, and advised that she did not file a brief or evidence as indicated on Form I-290B. Accordingly, the record will be considered complete.

To establish L-1 eligibility under section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L), the petitioner must demonstrate that the beneficiary, within three years preceding the beneficiary's application for admission into the United States, has been employed abroad in a qualifying managerial or executive capacity, or in a capacity involving specialized knowledge, for one continuous year by a qualifying organization and seeks to enter the United States temporarily in order to continue to render his or her services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition. Counsel's brief statement on Form I-290B fails to adequately address the director's stated grounds for denial of the petition. Contrary to counsel's statement, the director did not determine that the beneficiary "does not qualify for the position." The director determined that based on the stated duties and requirements for both the foreign and U.S. positions, the petitioner had failed to demonstrate that the beneficiary possesses specialized knowledge or that either the position with the foreign entity or her position with the U.S. entity require special

or advanced knowledge specific to the petitioning organization, rather than general knowledge common to the beneficiary's profession.

The AAO agrees with the director's conclusions. The petitioner indicates that both positions require "working knowledge" of basic analysis and research methods, accounting, economics, budgeting, computer skills and the ability to analyze technical information and organizational and administrative problems. The petitioner emphasizes that the position requires a bachelor's degree in business administration and emphasizes that the beneficiary has the required education, as if having a bachelor's degree is equivalent to possessing specialized knowledge. While the beneficiary is undoubtedly qualified for the offered position as a management analyst, the petitioner has not established that the beneficiary has specialized knowledge as it is defined at section 214(c)(2)(B) of the Act or at 8 C.F.R. § 214.2(l)(1)(ii)(D). The petitioner has neither articulated the nature of the claimed specialized knowledge, nor demonstrated that the proffered position requires an individual with *special or advanced knowledge specific to the petitioning company*, rather than just an experienced management analyst with a bachelor's degree and analytical skills.

Counsel'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 the evidence submitted by 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 the petitioner 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.