

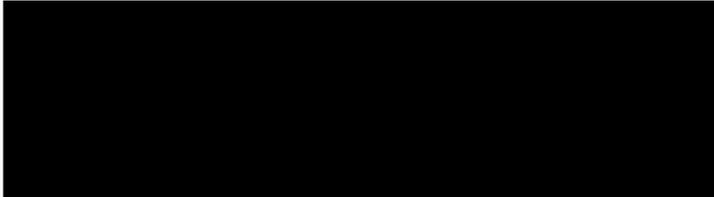
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**U.S. Citizenship
and Immigration
Services**



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FILE: WAC 08 011 51654 Office: CALIFORNIA SERVICE CENTER Date: **NOV 03 2008**

IN RE: Petitioner:
Beneficiary:



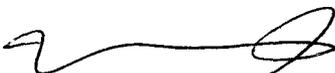
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

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, California 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 petition seeking to employ the beneficiary 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, a California corporation, states that it is engaged in electronics manufacturing. The beneficiary is currently in the United States in L-1 status pursuant to a Blanket L petition filed by Intel Corporation. The petitioner seeks to amend and extend the beneficiary's status so that it can employ him as an electronics engineer for a three-year period.

The director denied the petition on April 7, 2008 on two independent and alternative grounds. Specifically, the director determined that the petitioner had failed to establish: (1) that the petitioner has a qualifying relationship with the beneficiary's foreign employer; and (2) that the beneficiary possesses at least one continuous year of full-time employment abroad with a qualifying organization within the three years preceding the filing of the petition. In denying the petition, the director noted that the petitioner expressly stated that it is not affiliated with any foreign company and that it "is not and has never been involved with Intel financially, technical [sic] or in any way."

The petitioner subsequently filed an appeal on May 1, 2008. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On appeal, the petitioner asserts that it was advised by the U.S. Citizenship and Immigration Services (USCIS) office in Sacramento that an L-1 visa was one option available for hiring the beneficiary, but concedes that "the advice to use the L1 transfer will not work." The petitioner expresses its need for the beneficiary's services and highlights the beneficiary's professional qualifications for the offered position.

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. The petitioner has conceded that the beneficiary is not qualified for L-1 classification and has not identified any erroneous conclusion of law or statement of fact to overcome the well-founded conclusions the director

reached based on the evidence submitted by the petitioner. Accordingly, the appeal will be summarily dismissed.

Although the appeal will be dismissed, the petitioner may file a new visa petition on behalf of the beneficiary, with the required supporting evidence, in a more appropriate nonimmigrant visa classification.

The petitioner has not submitted any evidence on appeal to overcome the director's multiple grounds for denial of the petition. Therefore, the petition will be denied and the appeal dismissed for the reasons stated by the director, with each considered as an independent and alternative basis for denial. 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.