U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

D-1

U.S. Citizenship and Immigration Services

[redacted]

File: LIN 03 060 53971 Office: NEBRASKA SERVICE CENTER Date: AUG 04 2004

IN RE: Petitioner: [redacted]
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:

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, Director
Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a new U.S. office that claims to be a branch office of a foreign entity. It claims to engage in the music business. It seeks to temporarily employ the beneficiary as its international label manager. Accordingly, the petitioner endeavors to classify the beneficiary as a 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 claims that it is a branch office of Paradoxx Music Comercial De Discos Ltda., located in Sao Paulo, Brazil.

The director denied the petition concluding that the petitioner had not: (1) established the size of the United States investment and the ability of the foreign entity to remunerate the beneficiary and to commence doing business in the United States; (2) established that the new office would support a managerial or executive position within one year; or, (3) provided sufficient evidence to establish a qualifying relationship with the foreign entity.

The regulation at 8 C.F.R. §103.3(a)(1)(v) states, 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."

On the Form I-290B Notice of Appeal, filed on April 28, 2003, the petitioner indicated that a brief and/or evidence would be sent to the AAO within 30 days. To date, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

The statement on the appeal form reads:

> I, [redacted], director and president o[redacted] and [redacted], am filing this appeal in hopes of expanding my company further into the U.S. marketplace. I intend to supply further evidence to demonstrate the validity and benefit of establishing a strong foundation for Paradoxx's international development.

The statement by the petitioner's president does not identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal. Thus, the regulations mandate the summary dismissal of 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. Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.