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

D-7

U.S. Citizenship and Immigration Services

[redacted]

File: SRC 02 207 51286 Office: TEXAS 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, Texas 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 corporation organized in the State of Florida in December 2000. It claims to provide marine services. It seeks to extend the temporary employment of the beneficiary as its president and general 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 the subsidiary of Paper Express C.A., located in Caracas, Venezuela.

The director denied the petition concluding that the petitioner had not established that the beneficiary would be employed in a primarily managerial or executive capacity.

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 May 2, 2003, the petitioner stated that it would not be submitting a separate brief or evidence.

The statement on the appeal form reads:

> We are appealing the decision of the Service due to the fact that [the beneficiary] is in a[n] executive and managerial position, he is the President and General Manager of the corporation and he supervice [sic] the work of the employees. He do[es] not carry out the day-to-day operation of the business. Based on the foregoing we are appealing the decision, and we asked for the review of the file.

The statement by the petitioner's president and general manager 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.