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

U.S. Citizenship and Immigration Services

[redacted]

File: [redacted] Office: TEXAS SERVICE CENTER Date:

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:

[redacted]

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 petition for a nonimmigrant visa. The petitioner filed a subsequent appeal, which the director determined was untimely filed. The director treated the untimely appeal as a motion, and affirmed the original denial. 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 extend the employment of its president 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 director denied the petition, concluding that the petitioner did not establish that: (1) the U.S. entity meets one of the definitions of a qualifying relationship under 8 C.F.R § 214.2(l)(1)(ii)(G); (2) the new office has been `doing business for the previous year as required under 8 C.F.R. § 214.2(l)(14)(ii); (3) the foreign entity is currently doing business; and (4) the beneficiary has been and will continue to be employed in the United States in a primarily managerial or executive capacity, as compelled by the regulations at 8 C.F.R. §§ 1101(a)(44)(A)-(B).

The petitioner filed an untimely appeal, which the director treated as a motion to reopen and/or reconsider. Finding that the petitioner had failed to allege new facts which supported a finding that the original decision was in error, and that the petitioner had submitted no new evidence alleging that the original decision to deny was erroneous because of an incorrect application of law, the director affirmed the original denial. The petitioner subsequently filed this appeal with the AAO.

On the form I-290B, counsel states that he would be submitting a brief and/or evidence to the Administrative Appeals Office within 60 days of the filing of the appeal. Specifically, counsel states that "[w]e request 60 additional days within which to file any Brief, as we have a number of other cases pending and this matter requires extensive research on the part of counsel to properly brief the matters raised in the decision." In addition, counsel briefly alleges that the petitioner has submitted sufficient evidence to establish eligibility under the regulations, but fails to specifically address any erroneous conclusions of law or statement of fact.

Counsel dated the appeal April 7, 2003. More than one year has passed since the filing of the appeal, yet as of the date of this decision, the AAO has received nothing further.

As stated in 8 C.F.R. § 103.3(a)(l)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The filing by an attorney of an appeal that is summarily dismissed under this section may constitute frivolous behavior as defined in 8 C.F.R. §292.3(a)(15).

Counsel here has not addressed the reasons stated for the denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed.