U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

PUBLIC COPY

U.S. Citizenship and Immigration Services

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

D7

[redacted]

JAN 27 2004

FILE: SRC 03 219 51364 Office: TEXAS SERVICE CENTER Date:

IN RE: Petitioner:
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:

[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 nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will summarily dismiss the appeal.

The petitioner, Bish Lamination Services, Inc., states that it is the affiliate of a New Zealand-based business, Bish Marine, Ltd. The petitioner states that it constructs racing yachts. The U.S. entity was incorporated on April 15, 1999 in the State of Florida. In July 2002, the U.S. entity petitioned CIS to classify the beneficiary as a nonimmigrant intracompany transferee (L-1). CIS approved the petition as valid from August 31, 2002 until August 30, 2003. The petitioner now endeavors to extend the petition's validity and the beneficiary's stay for two years from August 2003 to August 2004. The petitioner seeks to employ the beneficiary's services as a specialist laminator and quality assurance manager at a weekly salary of $1,250.

On September 29, 2003, the director determined, however, that the beneficiary did not qualify as a specialized knowledge worker. Consequently, the director denied the petition.

On October 31, 2003, the petitioner's counsel submitted a Form I-290B indicating that counsel would be submitting a separate brief or evidence. CIS received the Form I-290B on November 4, 2003. On Form I-290B, counsel stated no reasons for the appeal. On January 7, 2004, counsel notified the AAO that the petitioner would not be filing a brief in this matter.

In pertinent part, the regulation at 8 C.F.R. § 103.3(a)(1)(v) states:

> 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.

The Form I-290B fails to identify specifically any erroneous conclusion or statement of fact. Therefore, under the regulations, the petitioner's lack of specificity mandates 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. The petitioner has not sustained that burden.

ORDER: The appeal is summarily dismissed.