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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: SRC 02 265 50067 Office: TEXAS SERVICE CENTER Date: JUL 28 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)

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, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas 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 is a new U.S. office organized in the State of Florida in May 2002. It claims to provide cleaning services. It seeks to temporarily employ the beneficiary as its "operative" director. 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 Pro-Ambientales S.A. E.S.P., located in Cali, Colombia.

The director denied the petition concluding that the petitioner had not established that the petitioner and foreign entity are qualifying organizations.

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 February 19, 2003, the petitioner indicated it would not be submitting a separate brief or evidence.

The statement on the appeal form reads:

> [redacted] am writing this appeal because I think that this case should be reconsidered. Our board of director in [redacted] sent to you a resolution where all members were agreed to open a subsidiary in U.S.A. and to designate [the beneficiary] as our representative in this new organization. Although, I only appear in [redacted] from the stockholders of [redacted] they were agreed to his beginning. Both of Companies are strongly joint.

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.