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

U.S. Citizenship and Immigration Services

D-7

[redacted]

JUN 22 2004

FILE: EAC 99 065 52343 Office: VERMONT 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)

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

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

PUBLIC COPY

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

The petitioner claims to be a seller and manufacturer of clothing and other woven products. The petitioner seeks to extend its authorization to employ the beneficiary temporarily in the United States in a managerial or executive capacity, namely as its general manager. The director determined that the petitioner failed to submit sufficient evidence to overcome the grounds for denial of the petition. The director also noted that the a review of Citizenship and Immigration Services (CIS) records revealed that the beneficiary's prior L1A petition, EAC 97 050 52198, had been revoked due to fraud on May 4, 1998.

On appeal, the petitioner states that it did not receive the director's notice of intent to deny. However, the evidence of record demonstrates no change of address on the part of the petitioner, nor does it show that the notice was returned to CIS. There is evidence of record to show that the petitioner received the director's denial at the same address used to notify the petitioner of the director's intent to deny the petition. *See generally* 8 C.F.R. § 103.5a(b).

Generally, the decision to deny a nonimmigrant petition will be sustained where a petitioner fails to offer a timely explanation or sufficient rebuttal evidence to a properly issued notice of intent to deny. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972). Failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14).

The regulation at 8 C.F.R. 103.3(a)(1)(v) states in part:

> *Summary dismissal.* 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.

As the petitioner has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal, the appeal will be summarily dismissed.

In visa petition proceedings, the burden of proving eligibility for the benefit sought rests solely 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.