

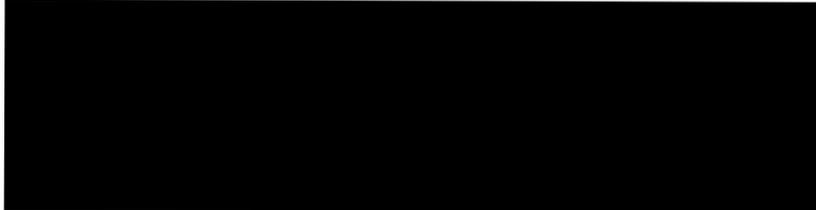


U.S. Citizenship  
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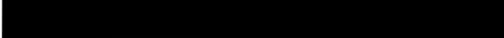
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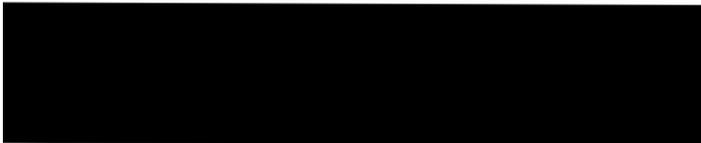


FILE: LIN 01 167 50839 Office: NEBRASKA SERVICE CENTER Date: **MAY 15 2007**

IN RE: Petitioner:   
Beneficiary: 

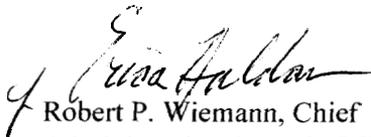
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:



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, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Nebraska 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 states that it is an amusement ride contractor. It seeks to employ the beneficiary temporarily in the United States as an operations manager, pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L), claiming that the beneficiary has specialized knowledge of its "Sling Shot" ride. The director denied the petition concluding that the petitioner had not demonstrated the beneficiary's purported specialized knowledge or that the beneficiary would be employed by the petitioner in a specialized knowledge capacity.

On the Form I-290B appeal, counsel simply asserts:

1. [Citizenship and Immigration Services (CIS)] used an incorrect standard for dete[r]mining whether [the] beneficiary was a person with specialized knowledge.
2. [CIS] erred in its presumption that the land lease for property did not include office space.

Counsel further states that a brief or evidence would be submitted to the AAO within 30 days. The appeal was received by the AAO on September 4, 2001. As of this date, the AAO has received nothing further and the record will be considered complete.

To establish eligibility under section 101(a)(15)(L) of the Act, the petitioner must meet certain criteria. Specifically, within three years preceding the beneficiary's application for admission into the United States, a firm, corporation, or other legal entity, or an affiliate or subsidiary thereof, must have employed the beneficiary for one continuous year. Furthermore, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial, executive, or specialized knowledge capacity.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition. Counsel's general objections to the "incorrect" denial of the petition, without specifically identifying any errors on the part of the director, particularly with respect to the "standard" for determining specialized knowledge, are simply insufficient to overcome the well-founded and logical conclusions the director reached based on a review of the record. **The unsupported assertions of counsel do not constitute evidence.** *Matter of Obaighbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

The petitioner's general statements concerning the beneficiary's supervision over "all aspects of site management, ride installation, set-up and daily safety inspections," as well as his training and licensing in "Sling Shot systems," falls significantly short of demonstrating that the beneficiary would be employed in a specialized knowledge capacity or that the beneficiary's proposed position requires specialized knowledge. The actual duties themselves reveal the true nature of the employment. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F.2d 41 (2d. Cir. 1990). Counsel has not resolved on appeal why the beneficiary's proposed employment should be deemed as requiring specialized knowledge. Again, the unsupported assertions of counsel do not constitute evidence. *Matter of Obaighbena*, 19 I&N Dec. at 534.

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, 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.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

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 met this burden.

**ORDER:** The appeal is summarily dismissed.