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FILE: SRC 02 135 50644 Office: TEXAS SERVICE CENTER Date: **MAY 11 2005**

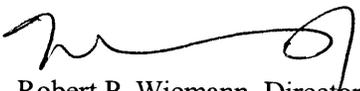
IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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: 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 petitioner subsequently filed a motion to reopen and reconsider, which was also denied by the director. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner claims that it plans to set up an international money transferring business. It seeks to employ the beneficiary temporarily in the United States in the position of 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 based the denial on the following conclusions: 1) the petitioner failed to establish that it had secured sufficient premises on which to conduct its business; 2) the petitioner did not submit sufficient evidence to establish that it would support a managerial or executive position within one year of approval of the instant petition; and 3) the petitioner failed to submit documentation to indicate that it had a feasible business plan.

In response to the denial the petitioner submitted a motion to reopen and reconsider. In support of the motion the petitioner submitted a copy of the petitioner's business lease, which commenced on March 20, 2002, one week prior to filing the petition. The petitioner also submitted a number of bank statements to support the claim that it has sufficient funds to commence doing business.

The director subsequently addressed the evidence submitted by the petitioner on motion and denied the motion, concluding that none of the leases submitted were current as of the date the motion was filed. Furthermore, the director addressed all of the documentation the petitioner submitted to show its own financial status and concluded that most of the relevant bank statements were poorly photocopied and were therefore illegible. Finally, the director stated that even though the petitioner submitted a business plan, it failed to submit any documentary evidence to show that the plan was feasible and would be realized in the near future.

On appeal, the petitioner merely states that it submitted sufficient evidence upon which to base an approval of the petition. Despite the director's thorough explanation in the latest denial, the beneficiary maintains the claim that he submitted sufficient evidence to overcome all of the director's objections. The beneficiary failed to address any of the director's specific objections or to provide any evidence to overcome such objections.

To establish L-1 eligibility under section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L), the petitioner must demonstrate that the beneficiary, within three years preceding the beneficiary's application for admission into the United States, has been employed abroad in a qualifying managerial or executive capacity, or in a capacity involving specialized knowledge, for one continuous year by a qualifying organization and seeks to enter the United States temporarily in order to continue to render his or her services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge.

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.

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. Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the petitioner has not sustained that burden. Therefore, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.