

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

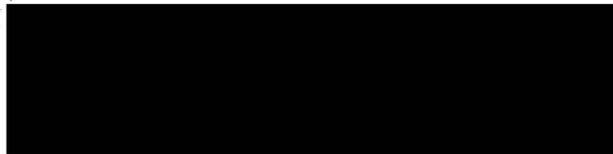
**PUBLIC COPY**

U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

D7



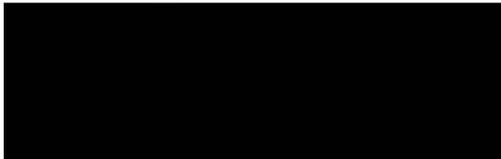
FILE: WAC-04-014-50627 Office: CALIFORNIA SERVICE CENTER Date: JUL 17 2006

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, California 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 asserts that it is a plastics manufacturing and export company. It seeks to extend its authorization to employ the beneficiary temporarily in the United States as its chief executive officer. The director denied the petition based on the petitioner's failure to establish the following: 1) that the beneficiary has been and will continue to be employed in a managerial or executive capacity; or 2) that the beneficiary has not exceeded the seven-year limit in L nonimmigrant status.

On appeal, counsel requested an additional 30 days in which to submit a brief addressing the director's denial. However, no brief or additional evidence was ever received and, as such, the record will be considered complete.

Counsel for petitioner failed to provide any additional evidence or a brief explaining the inconsistencies noted in the petition. This fact is determinative, particularly in light of the director's detailed list of reasons for denying the petition. The record shows a number of inconsistencies, as pointed out by the director, and fails to establish key elements of eligibility such as a qualifying relationship and the employment capacity of the beneficiary. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). In the instant case, counsel fails to acknowledge, much less resolve the inconsistencies discussed in the denial.

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.

On the I-290B, counsel simply states that the "[b]eneficiary has satisfied as a manager/executive for L-1 purposes and may not have exceeded the 7 year limit." This statement has no basis in fact or law and, more importantly, fails to specifically identify an erroneous conclusion of law or statement of fact for the appeal. The petitioner has the burden of establishing eligibility and, on appeal, must identify an erroneous conclusion of law or statement of fact. In this case the petitioner has not done so. In light of the clearly detailed and well reasoned decision of the director, the petitioner's single statement is insufficient to warrant a review of the record, much less a sustained appeal in this matter.

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.