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U.S. Citizenship
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FILE: WAC 08 095 50302 Office: CALIFORNIA SERVICE CENTER Date: **OCT 02 2008**

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:



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.

for
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 filed this nonimmigrant petition seeking to employ the beneficiary in the position of machine sales representative as an L-1B nonimmigrant intracompany transferee with specialized knowledge 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 is a corporation established in the State of Delaware for the purpose of selling and servicing bookbinding machines. The director denied the petition based on three independent grounds of ineligibility. First, the director determined that the petitioner failed to establish that the beneficiary possesses specialized knowledge; second, the director found that the petitioner failed to establish that the beneficiary has been employed in a specialized knowledge capacity; and third, the director found that the petitioner failed to establish that the beneficiary would be employed by the U.S. entity in a specialized knowledge capacity.

The petitioner has filed an appeal. Counsel, on behalf of the petitioner, asserts that the director's decision was erroneous. Counsel states that the beneficiary's proposed position requires an individual with specialized knowledge and claims that the beneficiary possesses such a level of knowledge. On September 3, 2008, the AAO reviewed the record of proceeding and found that no additional evidence or information had been submitted since the appeal was filed on April 25, 2008. Accordingly, the AAO faxed the petitioner a notice allowing an additional five days in which to provide a brief and/or any information *if* the petitioner had previously submitted such information. The AAO clearly stated that this was not meant to allow the petitioner additional time in which to provide new information that had not been previously submitted. Rather, this was merely an attempt to allow the petitioner to provide information that may have been submitted and gotten detached from the record of proceeding. Counsel has since responded to the facsimile, notifying the AAO that no additional information had been or would be submitted. Accordingly, the record will be considered complete as currently constituted.

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.

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 the petitioner 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.