

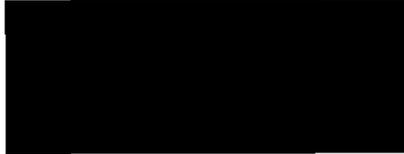
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

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U.S. Citizenship
and Immigration
Services

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DATE: **DEC 15 2011** Office: CALIFORNIA SERVICE CENTER FILE:

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The director denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner, a New York corporation, claims to be a “finance company, providing asset-backed loans by securing jewelry, art, and other highly-valued personal property as collateral.” The petitioner states that it is a joint venture with the beneficiary’s foreign employer, Afek Fine Art Ltd., located in Israel. Accordingly, the United States entity petitioned United States Citizenship and Immigration Services (USCIS) to classify the beneficiary as a nonimmigrant intracompany transferee (L-1A) 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 seeks to employ the beneficiary as its chief executive officer.

The director denied the petition on November 6, 2009, concluding that the record contains insufficient evidence to demonstrate: (1) that a qualifying relationship exists between the U.S. company and the foreign company; and (2) that sufficient physical premises to house the new office have been secured.

On December 9, 2009, the petitioner submitted the Form I-290B to appeal the denial of the petition. The petitioner marked the box at part two of the Form I-290B to indicate that a brief and/or evidence would be sent within 30 days. The appeal brief was never received by the AAO, thus, the AAO deems the record complete and ready for adjudication.

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. 8 C.F.R. § 103.3(a)(1)(v).

On the Form I-290B, the petitioner contends that the petitioner is not a subsidiary but an affiliate of the foreign business. The petitioner also states that it provided sufficient information as to the funds transferred to the United States to support the petitioner’s activities. In addition, the petitioner states that it “maintains not one but two offices in the United States” and thus, it meets the sufficient physical premises requirement. As noted above, the AAO never received a brief or supporting documentation for the appeal.

In the denial decision, the director noted several inconsistencies and discrepancies in the evidence that were not discussed on appeal by the petitioner. In regard to the director’s conclusions that the petitioner failed to submit sufficient evidence evidencing a qualifying relationship between the petitioner and the foreign entity, and evidence that the petitioner has sufficient physical premises to house a new office, the petitioner fails to identify any erroneous conclusion of law for the appeal. On the Form I-290B, the petitioner states that the petitioner is a qualifying organization and it has sufficient physical premises but fails to provide any supporting documentation to corroborate this claim and overcome the director’s concerns. As no additional evidence is presented on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The burden of proof in these proceedings 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.