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



U.S. Citizenship
and Immigration
Services



DATE **JUL 23 2013**

OFFICE: VERMONT 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: SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg

Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition. 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 classify the beneficiary as a 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 petitioner states that it operates a dry cleaning and laundromat business. The petitioner claims to be a subsidiary of [REDACTED]. The petitioner seeks to employ the beneficiary as its manager for a period of two years.

The director denied the petition on two alternative grounds, concluding that the petitioner failed to establish: 1) that a qualifying relationship exists between the petitioner and the foreign entity; and 2) that the beneficiary has been and will be employed in either a managerial or an executive capacity. In denying the petition, the director found that the petitioner failed to submit evidence requested by the director in order to establish its qualifying relationship with the foreign entity and the beneficiary's proposed position as a manager of the U.S. company.

The petitioner submitted Form I-290B, Notice of Appeal or Motion, to appeal the denial of the petition. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. The petitioner marked the box at part two of the Form I-290B to indicate that it is not submitting a separate brief or evidence.

To establish eligibility for the L-1 nonimmigrant visa classification, the petitioner must meet the criteria outlined in section 101(a)(15)(L) of the Act. Specifically, a qualifying organization must have employed the beneficiary in a qualifying managerial or executive capacity, or in a specialized knowledge capacity, for one continuous year within the three years preceding the beneficiary's application for admission into the United States. In addition, 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.

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 appeal, the petitioner submits a brief letter that states:

I am somewhat disturbed at your denial, as your decision appears to be based on the fact that there was no evidence to indicate that the foreign and US entities were affiliated. This decision was subjectively reached by you based on your review of the documentation submitted.

As the petitioner, not only do I maintain E-2 status, but this status was obtained based on the same information and documentation provided with this petition. This clearly establishes that I am the owner and controller of both the foreign and US entities. This would obviously create the required affiliation. In addition, based on the same factors, I have received an

approved classification as a priority worker, and currently have pending at your office, an application for adjustment of status. . . .

The petitioner's officer submits copies of her own application and petition with USCIS.

In the instant matter, the petitioner has not specifically identified an erroneous conclusion of law or statement of fact on the part of the director as a basis for the appeal. The petitioner's statements are not sufficient for an appeal and fail to address both grounds for denial of the petition. The director's decision includes a discussion of the evidentiary deficiencies present in the record. The petitioner's brief statement on appeal fails to acknowledge these deficiencies.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition. Failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14). Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r 1972)).

As no erroneous conclusion of law or statement of fact has been specifically identified and as no additional evidence is presented on appeal to overcome the deficiencies addressed in the director's decision, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the petitioner has not sustained that burden.

ORDER: The appeal is summarily dismissed.