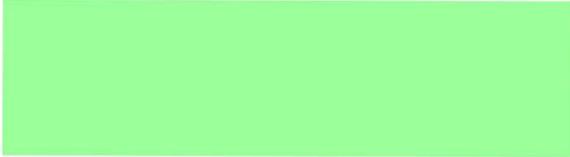




U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **SEP 27 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
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 employ the beneficiary as an 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, a Florida corporation, states that it operates a hotel management and real estate business. The petitioner claims to be a subsidiary of [REDACTED] located in Venezuela. The petitioner seeks to employ the beneficiary as its general manager for a period of three years.

On February 1, 2013, the director denied the petition concluding that the petitioner failed to establish that that it will employ the beneficiary in a primarily executive or managerial capacity or that the organization can currently support such a position. In denying the petition, the director observed that, although the petitioner submitted an organizational chart for the petitioning U.S. company, it did not submit copies of its corporate tax returns or other Internal Revenue Service (IRS) documents despite the director's request for this evidence. Rather, the petitioner provided the tax returns and IRS documentation for [REDACTED] a company in which the petitioner claims to hold a 30% membership interest. Accordingly, the director concluded that the nature and scope of the petitioner's operation, including its number of employees and their work location, could not be determined. Further the director found that the petitioner provided a vague position description for the beneficiary which fails to establish what duties he will perform on a day-to-day basis.

On March 7, 2013, the petitioner submitted a Form I-290B, Notice of Appeal or Motion, to appeal the denial of the underlying 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 a brief and/or additional evidence is attached. The AAO will consider the record complete as presently constituted.

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.

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 Form I-290B, the petitioner simply states, "please see attach[ed]." The petitioner included a letter and stated at the top, "[w]e disagree [with] the decision made on date 02/01/2013 and we are presenting our

reasons and evidences to appeal." The letter went on to restate the director's denial broken up with comments to see specific attachments 1-4. The petitioner did not present any arguments or make any assertions on appeal. The petitioner submitted duplicate copies of evidence previously presented with the petition or in response to the RFE.

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. A simple, blanket assertion that the petitioner disagrees with the director's decision is not sufficient for an appeal. The director's decision includes a thorough discussion of the evidentiary deficiencies and inconsistencies present in the record. The petitioner's letter on appeal fails to acknowledge these deficiencies and inconsistencies.

Upon review, the AAO agrees with the director's decision and will affirm the denial of the petition. 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 decision of the director, 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, that burden has not been met.

ORDER: The appeal is summarily dismissed.