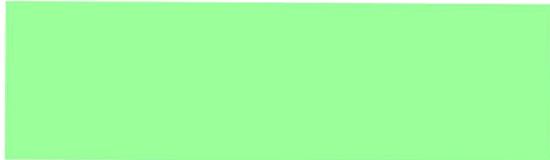
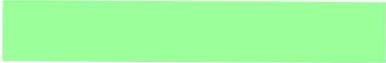


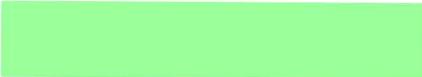
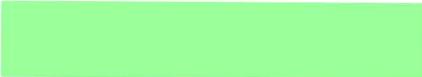


U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: **MAR 24 2014** Office: CALIFORNIA SERVICE CENTER 

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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, California 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 an L-1A 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, a California corporation established in May 2013, states that it engages in a "wholesale" business. The petitioner claims to be a branch of [REDACTED] located in China. The petitioner seeks to employ the beneficiary as the chief executive officer of its new office in the United States.

On July 31, 2013, the director denied the petition concluding that the petitioner failed to establish that it has a qualifying relationship with a foreign entity. In denying the petition, the director found that the beneficiary owns 100% of the shares of the U.S. company, thus negating the parent-branch relationship with the foreign entity. The director noted that the petitioner failed to submit copies of all the share certificates issued by the U.S. company and a stock ledger, as requested in the Request for Evidence (RFE).

On August 15, 2013, the petitioner submitted a Form I-290B, Notice of Appeal or Motion (Form I-290B), 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 appeal, the petitioner submits a short brief in which it states:

Regarding to the description on denial letter, we, [the petitioner], want to clarify the possible confusion of the stock structure. As shown on the stock ledger, the shares of the company were initially issued to [the beneficiary] with 48%, [REDACTED] with 34%. In order to coordinate the CEO changing decision (shown on the meeting minutes of May 21, 2013), the company decided to buy back all the issued shares and release them to the new CEO [the beneficiary] as a motivation. Also, the 100 shares are given to [the

beneficiary] with the condition that [the beneficiary] must fulfill certain items mentioned in the stock purchase agreement. In addition, as described in the amendment of stock purchase agreement, [the petitioner] has the right to take back [the beneficiary's] shares based on her performance.

Short summary:

1. [The beneficiary] owns 100% shares of the company[.]
2. The company has the right to take back shares from [the beneficiary] based on her performance[.]

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 fails to address the director's ground for denial of the underlying petition, and acknowledges that the beneficiary owns 100% of the shares of the U.S. company. The petitioner's recognition of the beneficiary's ownership of the U.S. company solidifies the director's finding that a qualifying relationship does not exist between the U.S. company and the foreign entity.

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.