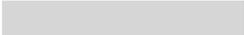




U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **AUG 21 2015** PETITION RECEIPT #: 

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:


Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to 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 a Form I-129, Petition for a Nonimmigrant Worker, 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 New Jersey limited liability company that claims to be engaged in pharmaceutical generics manufacturing, distribution, and export, seeks to extend the employment of the beneficiary as its president for a period of two years.

The director denied the petition on December 22, 2014, concluding that the evidence of record did not establish that: (1) the beneficiary was employed abroad in a qualifying executive or managerial capacity for one year in the previous three years prior to filing the petition; and (2) that the beneficiary will be employed in a qualifying managerial or executive capacity in the United States.

The petitioner subsequently filed a timely appeal and indicated on the Form I-290B, Notice of Appeal or Motion, that it would submit a brief and/or additional evidence to our office within 30 days. The Form I-290B instructs the petitioner at Part 4 to provide a separate sheet of paper with a statement regarding the basis for the appeal. Specifically, the petitioner is instructed to provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. The petitioner did not provide this statement with its Form I-290B, nor has the petitioner submitted a brief or statement in support of this appeal. Thus, the record is complete as currently constituted 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).

The petitioner has not identified an erroneous conclusion of law or statement of fact on the part of the director as a basis for the appeal, and no additional evidence has been presented on appeal to overcome the decision of the director. Therefore, 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. The petition is denied.