



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: FEB 13 2015 Office: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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)

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, 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 the Form I-129, Petition for a Nonimmigrant Worker (Form I-129), on December 11, 2013, 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 limited liability company established in July 2012, states that it operates as a "packaging industry co-packers company." The petitioner claims to be a subsidiary of [REDACTED] located in [REDACTED] Egypt. The petitioner seeks to employ the beneficiary as its vice president of finance for a period of one year.

On July 22, 2014, the director denied the petition on two alternate grounds, concluding that the petitioner failed to establish that (1) the beneficiary has been employed abroad in a position that was managerial, executive, or involved specialized knowledge, and (2) the beneficiary will be employed in the United States in a position that is primarily executive or managerial in nature. In denying the petition, the director found that the petitioner's brief list of job duties for the beneficiary's proposed position in the United States was insufficient to demonstrate what the beneficiary does on a day-to-day basis and without more specific information regarding how and at what frequency the stated duties are performed, the job description is insufficient to show that the position is primarily managerial or executive. The director further found that absent detailed descriptions of its employees within the beneficiary's immediate division, department, or team, including names, position titles, education levels, and salary, the beneficiary's job description is also insufficient to show that the position is primarily managerial or executive in nature.

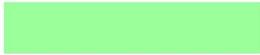
On July 31, 2014, the petitioner submitted a Form I-290B, Notice of Appeal or Motion, to appeal the denial of the underlying petition. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. The petitioner marked the box at part three of the Form I-290B to indicate that a brief and/or additional evidence will be submitted to the AAO within 30 calendar days. We consider the record complete as presently constituted.

I. The Law

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.



II. The Facts

In support of the appeal, the petitioner submits a single-page letter stating:

With this letter I am sending you additional proof that [the beneficiary] was working in a managerial position at [the foreign entity] and is currently an executive at [the petitioner].

The decision was based on the fact that we didn't provide enough proof that [the beneficiary] was (1) a manager while working at [the foreign entity] and (2) the position he will hold in the US in a managerial position. The denial notice indicated that there is a need for more specifications to prove that both positions are/were primarily managerial or executive.

The petitioner goes on to list the additional evidence submitted in support of the appeal, as follows:

- A new letter from the foreign entity listing eight job duties for the beneficiary's position abroad.
- An organizational chart for the "Foreign Investment Department" of the foreign entity.
- A single, translated payroll document, dated December 28, 2011, of the foreign entity.
- A letter listing of 15 items indicated by the petitioner to be some of the beneficiary's managerial duties performed in the previous year.
- A copy of its job description for the "partner and VP of finance" previously submitted.
- An organizational chart for the U.S. company.

III. Analysis

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. Although the petitioner addresses the director's grounds for denial of the underlying petition, it has not identified any error on the part of the director and simply submits a brief statement and additional evidence in support of the appeal. The director's decision includes a discussion of the significant evidentiary deficiencies present in the record. The petitioner has not specifically objected to the director's findings and its statement and additional evidence submitted on appeal fails to overcome these deficiencies.

IV. Conclusion

Upon review, we agree 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.

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NON-PRECEDENT DECISION

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ORDER: The appeal is summarily dismissed.