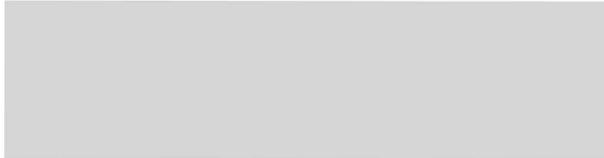




U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUL 01 2015**

PETITION RECEIPT #: [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)

ON BEHALF OF PETITIONER:

NO REPRESENTATIVE OF RECORD

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,

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

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner filed this 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 Texas limited liability company established in [REDACTED], states that it operates a logistics and warehouse business. It claims to be an affiliate of [REDACTED], the beneficiary's employer in Mexico. The petitioner seeks to employ the beneficiary as its President/General Manager for a period of three years.

On August 11, 2014, the director denied the petition, concluding that the petitioner did not establish that the beneficiary will be employed in a managerial or executive capacity.

The petitioner filed the instant appeal. The director declined to treat the appeal as a motion and forwarded the appeal to us for review. The petitioner marked the box at part two of the Form I-290B, Notice of Appeal or Motion, to indicate that a brief and/or additional evidence would be submitted to us within 30 calendar days. The record indicates that the petitioner did not file a brief or supplemental evidence within the allowed timeframe. Therefore, the record will be considered 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

The Form I-290B at Part 4 states that "[the petitioner] must provide a statement regarding the basis for appeal or motion" and instructs the petitioner to "provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed."

The petitioner submitted a one page cover letter with its Form I-290B, which states, in relevant part:

[The beneficiary] has been instrumental in the operation and success of [the petitioner]. He has developed an excellent operation based in his previous work experience as a Manager in our company of [REDACTED] Mexico. [The beneficiary] is the person responsible for planning, directing, controlling and organizing all operational aspects of the company. He

fully involved in in [sic] the supervision and control of the work of other supervisors, as well as, for hiring and firing personnel, as in all levels.

The petitioner did not submit a brief or additional evidence in support of the appeal within 30 days, despite indicating on the Form I-290B and its cover letter that it would do so.

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 acknowledges the director's grounds for denial of the underlying petition, it has not identified any specific errors and simply submits a brief statement summarizing the beneficiary's duties 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 on appeal fails to directly address or overcome these deficiencies.

As the petitioner has not identified an erroneous conclusion of law or statement of fact in the director's decision as a basis for the appeal, 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.