



U.S. Citizenship
and Immigration
Services

(b)(6)



JUL 09 2015

DATE:

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:

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, California Service Center, initially approved the petition for a nonimmigrant visa. Upon subsequent review of the record, the director issued a notice of intent to revoke (NOIR), and ultimately did revoke the approval of the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed. The approval of the petition remains revoked.

The petitioner filed a nonimmigrant visa petition seeking to employ the beneficiary in the position of Operations Manager for three years 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 director initially approved the petition. Upon subsequent review of the record of proceeding upon which approval of the petition was based, the director issued a NOIR, and ultimately revoked the approval of the petition. Specifically, the director found that the petitioner did not show (1) that the foreign company is still doing business; (2) that the beneficiary was employed full-time with the foreign entity; and (3) that the beneficiary served in a qualifying managerial, executive, or specialized knowledge position abroad.

The petitioner subsequently filed an appeal, but did not state any grounds for the appeal on the Form I-290B, Notice of Appeal or Motion. The petitioner indicated that it would submit an appellate brief or additional evidence directly to our office within 30 days. The record indicates that the petitioner did not file a brief or supplemental evidence within the allowed timeframe. Therefore, we will consider the record complete as presently constituted.

The 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 director's NOIR specifically outlined the deficiencies in the evidence, noting that the statement of facts contained in the petition was not true and correct as it pertained to the foreign company's business operations and the beneficiary's foreign employment. The NOIR was adequate to notify the petitioner of the intent to revoke the approval of the petition in accordance with the provision at 8 C.F.R. § 214.2(l)(9)(iii)(A)(4). Furthermore, the director's notice of revocation cited the deficiencies in the evidence and provided a detailed analysis and discussion of the reasons for revoking the petition's approval.

On appeal, 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. As the petitioner does not present additional evidence 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, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). The petitioner has not sustained that burden.

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NON-PRECEDENT DECISION

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ORDER: The appeal is summarily dismissed. The approval of the petition remains revoked.