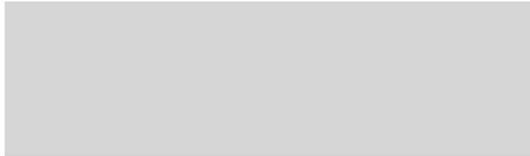




U.S. Citizenship  
and Immigration  
Services

(b)(6)



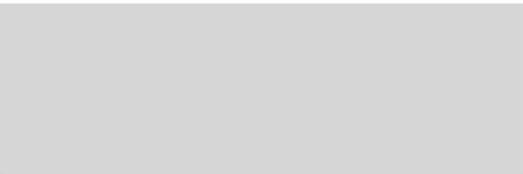
DATE: **MAY 27 2015**

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](http://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 Florida corporation established in [REDACTED] states that it operates a driving school. The petitioner claims to be a subsidiary of [REDACTED] located in Colombia. The petitioner seeks to employ the beneficiary in the position of financial manager for a period of three years.

On September 5, 2014, the director denied the petition on two alternate grounds, concluding that the petitioner failed to establish that (1) the beneficiary's proposed position in the United States will be in a managerial or executive capacity, and (2) the beneficiary was employed in a qualifying managerial capacity abroad.

On October 3, 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 submits a brief statement in support of the appeal. The petitioner marked the box at part three of the Form I-290B to indicate that a brief and/or additional evidence would be submitted to the AAO within 30 days. The record indicates that the petitioner has not submitted a supplemental brief or evidence and we now 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.

In support of the appeal, the petitioner submits a brief statement simply in which it states that the director "erred and abused his discretion when he denied the [petition]" and lists the director's reasons for denial, along with a blanket statement that the director erred "when [he] erroneously applied the required burden of proof in this type of case [and] when he reached a decision not based on the record and the evidence as a whole [and] when he reached a conclusion not in accordance with the Act, the regulations, and similar case law."

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 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, that burden has not been met.

**ORDER:** The appeal is summarily dismissed.