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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave. N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



DATE: **MAY 28 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 nonimmigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

Therefore, the petitioner filed this Petition for a Nonimmigrant Worker (Form I-129) to extend the beneficiary's employment as a 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 is a New York corporation that provides marketing and fundraising services for non-profit organizations. It claims to be the parent company of the beneficiary's foreign employer located in Canada. The petitioner seeks to employ the beneficiary as its manager for three additional years.

In a decision dated August 4, 2014, the director denied the petition based on the following grounds of ineligibility: (1) the petitioner failed to establish that it has a qualifying relationship with a qualifying foreign entity; and (2) the petitioner failed to establish that a qualifying foreign entity is doing business.

On appeal, the petitioner submits a statement in which it summarizes the procedural history in this matter and disputes the denial of the petition. The petitioner also checked Box 1(b) on the Form I-290B, Notice of Appeal or Motion, indicating that it intended to provide an appellate brief and/or additional evidence within 30 calendar days of filing the appeal which would "resolve any inconsistencies in the record by showing that a qualifying relationship continues to exist between [redacted] and an organization abroad [redacted] located in [redacted] Canada." The record shows that no further evidence has been submitted to supplement the record since the filing of the appeal. Therefore, this record will be considered complete as presently constituted.

To establish L-1 eligibility under section 101(a)(15)(L) of the Act, the petitioner must demonstrate that the beneficiary, within three years preceding the beneficiary's application for admission into the United States, has been employed abroad in a qualifying managerial or executive capacity, or in a capacity involving specialized knowledge, for one continuous year by a qualifying organization. The petitioner must further establish that the beneficiary seeks to enter the United States temporarily in order to continue to render his or her services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge.

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.

While the petitioner asserts that the director failed to mention certain documents submitted for the record in her decision, the petitioner also acknowledges that additional evidence would be required to resolve inconsistencies in the record and to show a qualifying relationship with "[redacted]" It has not submitted a brief or additional evidence in support of the appeal. Further, the petitioner has not identified a specific error of law or statement of fact on the part of the director as a basis for the appeal.



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. Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, it has not sustained that burden. Therefore, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.