



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF H-B- INC.

DATE: NOV. 2, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a beauty industry consulting business, seeks to extend the Beneficiary's temporary employment as its general manager under the L-1A intracompany transferee nonimmigrant classification. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The Director, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

The Director concluded that the Petitioner did not establish that the Beneficiary would be employed in a qualifying managerial or executive capacity under the extended petition.

The Petitioner filed a timely appeal and indicated on the Form I-290B, Notice of Appeal or Motion, that it would submit a brief and/or additional evidence to our office within 30 days. The Form I-290B instructs the filer at Part 4 to provide a separate sheet of paper with a statement regarding the basis for the appeal. Specifically, the person or entity filing the Form I-290B is instructed to provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. The Petitioner did not provide this statement with its Form I-290B and the record shows that the Petitioner has not submitted a brief or additional evidence to our office subsequent to filing the appeal.

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."

Upon review, the Petitioner has not specifically identified any erroneous conclusion of law or statement of fact as a basis for the appeal. Therefore, consistent with 8 C.F.R. § 103.3(a)(1)(v), the appeal will be summarily dismissed.

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). Here, that burden has not been met.

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ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of H-B- Inc.*, ID# 14719 (AAO Nov. 2, 2015)