



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

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

MATTER OF I-B-, LLC

DATE: NOV. 9, 2015

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, an importer and exporter of spa supplies and products, seeks to temporarily employ the Beneficiary in the position of director of operations and to classify her as an L-1A intracompany transferee. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The Director, California Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

The Director determined that the Petitioner did not provide evidence to establish: (1) that its new office operations would support a managerial position within one year of approval of the petition; and (2) that the Beneficiary has been employed in a qualifying managerial or executive capacity with the Petitioner's foreign parent company.

The Petitioner subsequently filed an appeal. The Petitioner's appeal consists solely of the Form I-290B, Notice of Appeal or Motion, and a copy of the Director's decision dated April 10, 2015. The Petitioner marked Box 1(c) in Part 3 of the Form I-290B indicating that no supplemental brief and/or additional evidence is or will be submitted. In addition, the Petitioner did not, as required by Part 4 of the Form I-290B, provide a separate statement regarding the basis for the appeal. Accordingly, the record will be considered complete as presently constituted.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, 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 Petitioner has not specifically identified any erroneous conclusion of law or statement of fact as a basis for the appeal. As noted, the Petitioner did not provide with its appeal a separate statement regarding the basis of the appeal, as instructed at Part 4 of the Form I-290B. A petitioner filing an appeal is required to provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. Here, the Petitioner has made no reference or objection to the specific findings set forth in the Director's decision. Therefore, consistent with 8 C.F.R. § 103.3(a)(1)(v), the appeal will be summarily dismissed.

*Matter of I-B-, LLC*

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 met that burden.

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

Cite as *Matter of I-B-, LLC*, ID# 15083 (AAO Nov. 9, 2015)