U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF S-I-USA, INC.

DATE: NOV. 20, 2015

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a property management company, seeks to employ the Beneficiary as an intercompany transferee under the L-1A classification. *See* section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 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.

On February 27, 2015, the Director issued a decision denying the petition finding that the Petitioner had not established (1) that there was a qualifying relationship between the Petitioner and the foreign company, (2) that the Beneficiary had been employed abroad in a managerial, executive or specialized knowledge position, (3) that the new office would support the Beneficiary in a primarily managerial or executive capacity within one year of approval of the petition, and (4) that the Petitioner had secured sufficient physical premises to house the new office.

The Petitioner subsequently filed an appeal. However, the Petitioner submitted no evidence or information addressing the actual grounds for denial; nor did the Petitioner dispute the ground for denial. Although the Petitioner marked Box 1(b) in Part 3 of the Form I-290B, indicating that a brief and/or additional evidence would be submitted within 30 days, there is no evidence that the record has been supplemented with any additional submissions. 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 a brief or additional evidence in support of the appeal despite indicating on the Form I-290B that it intended do so. Moreover, 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.

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). Inasmuch as the Petitioner has not specifically identified an erroneous conclusion of law or a statement of fact in this proceeding, the Petitioner has not sustained that burden.

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

Cite as *Matter of S-I-USA, Inc.*, ID# 15354 (AAO Nov. 20, 2015)