



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

MATTER OF A-P-I- CORP.

DATE: OCT. 30, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, an investment company, seeks to employ the Beneficiary as its general manager and to extend his status as an L-1A nonimmigrant intracompany transferee. *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 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 will be employed in a qualifying managerial or executive capacity in the United States.

On January 15, 2015, 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 this office within 30 days. The Form I-290B instructs the filer to provide a separate sheet of paper with a statement regarding the basis for the appeal. Specifically, the person or entity filing the appeal 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, nor has it submitted a brief and/or additional evidence to this office.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states: “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 identified an erroneous conclusion of law or statement of fact on the part of the Director as a basis for the appeal. Therefore, the appeal will be summarily dismissed.

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 pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of A-P-I- Corp.*, ID# 14299 (AAO Oct. 30, 2015)