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

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

MATTER OF SGUSAS- CORP.

DATE: APR. 21, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a Florida corporation engaged in “business consulting services,” seeks to employ the Beneficiary 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. Upon *de novo* review, the appeal will be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

The Petitioner claims to be a subsidiary of [REDACTED], located in Brazil. The Petitioner seeks to employ the Beneficiary as the General Manager of its new office in the United States.

On June 18, 2014, the Director denied the petition on four alternate grounds, concluding that the Petitioner did not establish that (1) the Beneficiary was employed by the qualifying foreign entity for one continuous year within the three years preceding the filing of the petition, (2) the Beneficiary was employed by the qualifying foreign entity in a qualifying managerial or executive capacity, (3) the Beneficiary will be employed primarily in a qualifying managerial or executive capacity or that the Petitioner will support such a position within one year of commencing operations, and (4) the Petitioner had secured sufficient physical premises at the time of filing the petition.

On July 21, 2014, the Petitioner submitted a Form I-290B, Notice of Appeal or Motion, to appeal the denial of the underlying petition. The Director declined to treat the appeal as a motion and forwarded the appeal to our office for review. The Petitioner does not submit any statement in support of the appeal. The Petitioner marked Box 1(b) at Part 3 of the Form I-290B to indicate that a brief and/or additional evidence would be submitted to our office within 30 calendar days. The record indicates that the Petitioner has not submitted a supplemental brief or evidence and we now consider the record complete as presently constituted.

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.

*Matter of SGUSAS- Corp.*

In the instant matter, the Petitioner has not specifically identified an erroneous conclusion of law or statement of fact on the part of the Director as a basis for the appeal. In fact, the Petitioner has not submitted any statement or evidence in support of the appeal. The Director's decision includes a discussion of the significant evidentiary deficiencies and contradictions present in the record. The Petitioner has not specifically objected to the Director's findings and has not submitted a statement on appeal to address or overcome these deficiencies and contradictions.

As the Petitioner has not identified an erroneous conclusion of law or statement of fact in the Director's decision as a basis for the appeal, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

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 SGUSAS- Corp.*, ID# 16103 (AAO Apr. 21, 2016)