



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

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

MATTER OF K-C- LLC

DATE: SEPT. 15, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a manufacturer and seller of chocolates, seeks to extend the Beneficiary's temporary employment as its chief executive officer and president under the L-1A nonimmigrant classification for intracompany transferees. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1A classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee to the United States to work temporarily in an executive or managerial capacity.

The Director, Vermont Service Center, denied the petition. The Director concluded that the Petitioner did not establish that Beneficiary would be employed in a managerial or executive capacity under the extended petition.

The matter is now before us on appeal. The Petitioner's submission on appeal consists solely of a Form I-290B, Notice of Appeal or Motion, on which the Petitioner marked Box 1(b) in Part 3, indicating that it would submit a brief and/or additional evidence to this office within 30 calendar days of filing the appeal. The record reflects that the Petitioner has not submitted a brief or any additional evidence since filing the appeal more than 30 days prior. Accordingly, the record will be considered complete as presently constituted.

Upon review, we will summarily dismiss the appeal.

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. The Petitioner has not provided a brief or additional evidence in support of the appeal. 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

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findings set forth in the Director's previous decision. Therefore, consistent with 8 C.F.R. § 103.3(a)(1)(v), we will summarily dismiss the appeal.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains 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.

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

Cite as *Matter of K-C- LLC*, ID# 63615 (AAO Sept. 15, 2016)