U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 7862611

Date: APR. 30, 2020

Appeal of California Service Center Decision

Form I-129, Petition for L-1A Manager or Executive

The Petitioner, a company that sells wireless equipment and accessories, seeks to continue temporary employment of the Beneficiary as its "General Manager" under the L-1A nonimmigrant classification for intracompany transferees who are coming to be employed in the United States in a managerial or executive capacity. Immigration and Nationality Act (the Act) section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L).

The Director of the California Service Center denied the petition, concluding that the Petitioner did not establish, as required, that the Beneficiary was employed abroad and would be employed in the United States in a managerial or executive capacity. That matter is now before us on appeal.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will summarily dismiss the appeal.

The Petitioner's submission on appeal consists of a Form I-290B, Notice of Appeal or Motion, on which the Petitioner marked Box 1.b. in Part 2, indicating that a brief and/or additional evidence would be submitted to this office within 30 calendar days of filing the appeal. The record shows that the Petitioner did, in fact, supplement the record with eight exhibits, which were individually listed and described. However, despite specifically mentioning the submission of an appeal brief in a letter that the Petitioner submitted in September 2019, approximately two months after filing the appeal, the Petitioner's exhibit list does not actually reference an appeal brief as one of the eight submissions. Although the Petitioner included the original supporting statement that was submitted at the time this petition was filed, it did not supplement the record with an appeal brief addressing the Director's grounds for denying that petition.

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 explained how the additional evidence submitted on appeal specifically addresses the grounds for denial. Moreover, the Petitioner did not comply with instructions in Part 3 of the Form I-1290B, which states that the Petitioner "must" provide a statement identifying a basis for the appeal. Therefore, consistent with 8 C.F.R. § 103.3(a)(1)(v), we will summarily dismiss the appeal.

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