U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 13134330

Date: DEC. 17, 2020

Appeal of Texas Service Center Decision

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

The Petitioner, describing itself as a business information technology consulting firm, seeks to temporarily employ the Beneficiary as a project manager 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 Director, Texas Service Center, denied the petition concluding the Petitioner did not establish that Beneficiary would be employed in a managerial or executive capacity under the extended petition. The Director further determined the Petitioner did not demonstrate that the Beneficiary was employed abroad in a managerial or executive capacity.

The matter is now before us on appeal. On the Form I-290B, Notice of Appeal or Motion, the Petitioner marked Box 1.b. in Part 2, indicating that it would submit a brief and/or additional evidence to this office within 30 calendar days of filing the appeal. It also stated in the part 7 of the appeal that "we will be submitting an Attorney brief within 30 calendar days regarding this appeal." The record reflects that the Petitioner did not submit 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 only submitted a generic statement with the Form I-290B stating that the Director "erred in concluding that the evidence provided in the petition did not demonstrate that the Beneficiary's qualifying position abroad and his proposed position in the United States meet the statutory and regulatory requirements for L-1A classification." Similarly, the Petitioner vaguely states on appeal that the Director "incorrectly applied the standard of proof as required by the regulations."

The Petitioner has not specifically identified an erroneous conclusion of law or a statement of fact as a basis for the appeal. The Petitioner only submits generic statements on appeal that do not specifically address why the Director's conclusions were in error. A petitioner filing an appeal is required to provide a statement specifically identifying an erroneous conclusion of law or fact in the decision being appealed. However, the Petitioner only states that the evidence meets "the statutory and regulatory requirements" without discussing any of this provided evidence. Likewise, the Petitioner contends that the Director "incorrectly applied the standard of proof as required by the regulations;" but again, it does not articulate the standard of proof or how the Director misapplied it. Therefore, the Petitioner has not submitted a brief, evidence, or other statements that specifically articulate or demonstrate the Beneficiary's eligibility, or which clearly address errors on the part of the Director. Therefore, consistent with 8 C.F.R. § 103.3(a)(1)(v), we will summarily dismiss the 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. Here, that burden has not been met.

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