U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 11813794

Date: OCT. 23, 2020

Appeal of California Service Center Decision

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

The Petitioner seeks to operate a liquor store where the Beneficiary would be temporarily employed as "Chief Operating Officer" of the new office[1] 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 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 a managerial or executive capacity.

The Director of the California Service Center denied the petition concluding that the Petitioner did not establish, as required, that: (1) the Petitioner had a qualifying relationship with the Beneficiary's foreign employer at the time of filing; (2) the foreign entity has been doing business; (3) the Petitioner had secured sufficient physical premises to house its operation; (4) the Beneficiary was employed abroad in a managerial or executive capacity; and (5) the Petitioner would employed the Beneficiary in a managerial or executive capacity within one year of the petition's approval. 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 Petitioner also provided a statement asserting that the Director's conclusions were incorrect, and that the denial was therefore not warranted. The record shows that the Petitioner did not supplement the record with an appeal brief further 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:

[1] The term "new office" refers to an organization which has been doing business in the United States for less than one year. 8 C.F.R. § 214.2(l)(1)(ii)(F). The regulation at 8 C.F.R. § 214.2(l)(3)(v)(C) allows a "new office" operation no more than one year within the date of approval of the petition to support an executive or managerial position.

> 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.

Despite disputing the Director's conclusions on 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 denial was erroneous. 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).