U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 18722812

Date: SEP. 20, 2021

Appeal of Vermont Service Center Decision

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

The Petitioner, describing itself as a company engaged in business consulting, seeks to temporarily employ the Beneficiary as a project manager of its new office[1] under the L-1A nonimmigrant classification for intracompany transferees. 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 demonstrate that the Beneficiary was employed abroad in a managerial or executive capacity. Further, the Director determined the Petitioner did not establish that the Beneficiary would be employed in a managerial or executive capacity within one year of an approval of the petition. The matter is now before us on appeal.

On the Form I-290B, Notice of Appeal or Motion, the Petitioner marked Box 1.c. in Part 2, indicating it was filing an appeal and that "no supplemental brief and/or additional evidence will be submitted." Accordingly, the record will be considered complete as presently constituted. The Petitioner stated the following in part 7 of the Form I-290B:

> It is absolutely wrong to state that the description of the beneficiary'[s] duties has been vague as it has been not only fully and carefully d[e]tailed but evidenced by supported documentation in the file such as employee contract termination, meetings of BOD [board of director] minutes, financial documents all signed by the beneficiary as an executive.

Upon review, we will summarily dismiss the appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

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[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.

The Petitioner only submitted a generic statement on the Form I-290B stating that the Director was "absolutely wrong" to conclude that the Beneficiary's duties were vague. The Petitioner further pointed to foreign employer documentation on the record, including employee contract terminations, board minutes, and other "financial documents" signed by him. The Petitioner has not clearly articulated whether it is contesting the Director's conclusion with respect to the Beneficiary's foreign employment in a managerial or executive capacity or his proposed U.S. employment in such a capacity within one year. For instance, the Director concluded that the Beneficiary's proposed U.S. duties were vague and that they did not appear consistent with its projected scope of operations. The Director further determined the Petitioner did not sufficiently establish that the Beneficiary would be primarily relieved from performing non-qualifying operational duties related to its consulting business within one year. However, the Petitioner's assertions on appeal do not specifically articulate why these conclusions by the Director with respect to the Beneficiary's proposed U.S. employment were in error.

Because this identified basis for denial is dispositive of the appeal, we decline to reach and hereby reserve the Petitioner's apparent assertions regarding whether the Beneficiary was employed abroad in a managerial or executive capacity. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

Therefore, the Petitioner has not submitted a sufficient statement on appeal clearly addressing all the Director's bases for denial and why they were in error. 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).