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U.S. Department of Justice  
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
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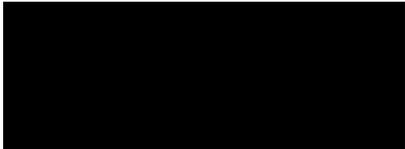


File: EAC 00 056 50114 Office: VERMONT SERVICE CENTER Date: 27 FEB 2002

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act,  
8 U.S.C. 1101(a)(15)(L)

IN BEHALF OF PETITIONER:



PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, Vermont Service Center. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a manufacturer, wholesaler and exporter of clothing. The petitioner seeks to continue the employment of the beneficiary temporarily in the United States as its manager of transportation and importing. The director determined that the petitioner had not established that the beneficiary had been or would be employed in a primarily managerial or executive capacity. The petitioner requested that the director reopen the case. The director granted the motion but ultimately determined that the grounds for denial of the petition had not been overcome.

On appeal, counsel for the petitioner asserts that the beneficiary works both as a manager and a person with specialized knowledge and expertise in leather and leather goods. Counsel for the petitioner requests that the initial application be amended and reconsidered as an L-1B visa petition.

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.

On the Form I-290B Notice of Appeal, filed on September 6, 2000, counsel states:

The petitioner [REDACTED] Clothing Inc. specializing [sic] in importing from Pakistan and wholesaling of leather garments. The beneficiary works actually as both a manager and a person with specialized knowledge and expertise in leathers and leather goods. His specialized knowledge of leather products and garments are very crucial for the company's success. Letters showing beneficiary's specialized knowledge and expertise in leather products and garments are herein attached as Exhibit A. We would like to amend the initial application and request that the petition will be reconsidered as an L-1B visa petition. As explained before beneficiary's injury resulted in the company's inability to expand its operations. Currently beneficiary's condition has improved and he can resume his activities and [is] able to work longer hours. Petitioner prays that the appeal will be approved and that the company could move forward with its operations.

Counsel attached to the I-290B a letter from the chief executive

of Khatoon Garments reciting a brief history of leather processing and indicating that the beneficiary "has specialized knowledge of leather and the process of leathermaking . . ." Counsel also attached a letter from the marketing manager of an unrelated company indicating that the beneficiary's "knowledge of leather is highly recommendable, his experience in grading of leather, his expertise knowledge in pattern making, leather fashion garment designing, knowledge of different kind of leathers are features of high skilled leather specialists." Counsel also attached a letter from the director of operations of Leather Wing Garments (Pvt.) Ltd. indicating that the beneficiary had participated in a 90-day leather training course.

After careful review of the record, all other documentation in the record predates the issuance of the director's decision on August 4, 2000.

Counsel's statement that the beneficiary is a manager and a person with specialized knowledge is insufficient to identify specifically any erroneous conclusion of law or statement of fact for the appeal. After careful review of the documents submitted on appeal and counsel's statement, the Administrative Appeals Office can find no basis for appeal of the director's decisions.

Counsel's request to amend the petition on appeal to the Associate Commissioner is not properly before the Administrative Appeal Office.

8 C.F.R. 214.2(l)(7)(i)(C) states:

The petitioner shall file an amended petition, with fee, at the Service Center where the original petition was filed to reflect changes in approved relationships, additional qualifying organizations under a blanket petition, change in capacity of employment (i.e. from a specialized knowledge position to a managerial position), or any information which would affect the beneficiary's eligibility under section 101(a)(15)(L) of the Act.

The request to reconsider the original petition on appeal as a petition for L-1B classification is rejected.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal and as the request to amend the status of the beneficiary is not properly before this office, the regulations mandate the summary dismissal of the appeal.

**ORDER:** The appeal is summarily dismissed.