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FILE: EAC 05 148 53393 Office: VERMONT SERVICE CENTER Date: DEC 05 2006

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

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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

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

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before the AAO. The appeal will be summarily dismissed.

The petitioner is a marine supply dealer and seeks to employ the beneficiary as a warehouse supervisor pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The director denied the petition based on his determination that the record did not establish the proffered position as a specialty occupation.

The petitioner submitted a timely filed Form I-290B, Notice of Appeal, on August 17, 2005 and indicated that a brief and/or additional evidence would be submitted to the AAO within 45 days. Careful review of the record reveals no subsequent submission of a brief or evidence; all of the petitioner's documentation in the record predates the issuance of the notice of decision. Accordingly, the record is considered complete.

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. 8 C.F.R. § 103.3(a)(1)(v).

The petitioner's statement on the Form I-290B reads:

Due to the unique job responsibilities and demands of this position, we believe that it qualifies as a 'specialty occupation.' We will submit any and all additional information available to us to show (i) this position should be considered a 'specialty occupation,' and (ii) evidence that this position requires a degree in its specific field. A request for an extension of an additional 15 days (total of 45 days) is attached.

The petitioner's assertions on appeal are insufficient as a basis for the appeal. The petitioner fails to specify how the director's decision included an erroneous conclusion of law or statement of fact when denying the petition. The petitioner does not address any of the director's findings or determinations regarding the evidence submitted. As the petitioner presents no additional evidence or argument on appeal sufficient to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The burden of proof in this proceeding rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.