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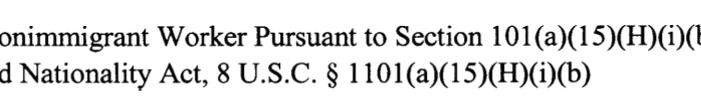
U.S. Citizenship  
and Immigration  
Services

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FILE: EAC 03 247 51443 Office: VERMONT SERVICE CENTER Date: **JAN 03 2007**

IN RE: Petitioner:   
Beneficiary: 

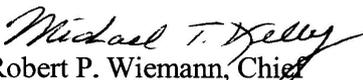
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the  
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:



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.

*for*   
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The service center director denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is an employment staffing firm. It seeks to employ the beneficiary as a physical therapist, and endeavors to classify her as a nonimmigrant worker in a specialty occupation 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).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. On August 12, 2005, the director revoked a prior approval of a Form I-129 petition filed on September 2, 2003. The grounds for revocation were noted as follows: the petitioner failed to submit a valid Labor Condition Application (LCA) for the intended place of employment; the record did not establish that the petitioner had employment in a specialty occupation available for the beneficiary at the time the Form I-129 petition was filed; the beneficiary failed to maintain valid H-1B status prior to the filing of the present petition; the beneficiary was not licensed to work as a physical therapist when the present petition was filed; the petitioner altered documents filed in support of the present petition; and the petitioner filed false and misleading information in support of unrelated petitions for other beneficiaries.

On appeal, counsel states that he will file a brief and/or additional information within 30 days in support of the appeal. The appeal was filed on September 12, 2005. To date, no brief or additional information has been filed. The record is, therefore, deemed complete. The petitioner did not state any basis for the appeal on the Form I-1290B (Notice of Appeal), or in its cover letter dated September 9, 2005 submitted with the filing of the appeal. The petitioner did not specifically identify any erroneous conclusion of law or statement of fact upon which the appeal is based. The appellant must do more than simply file an appeal. It must clearly demonstrate the basis for the appeal. This, the appellant has failed to do. As such, the appeal must be dismissed.

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.