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U.S. Department of Homeland Security
20 Massachusetts Avenue NW, Room 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

Dr

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[Redacted]

FILE: EAC 04 046 53024 Office: VERMONT SERVICE CENTER Date: JAN 03 2007

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:

[Redacted]

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 *Michael T. Kelly*
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The director initially approved the nonimmigrant visa petition. Upon subsequent review of the record, the director issued a notice of intent to revoke (NOIR), and ultimately revoked, approval of the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is an employment consulting and staffing company that seeks to employ the beneficiary as a physical therapist. The petitioner, therefore, endeavors to classify the beneficiary 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).

The record of proceeding before the AAO contains (1) the Form I-129 and supporting documentation, filed on December 8, 2003; (2) the director's May 19, 2004 notice of intent to revoke the petition's approval (NOIR); (3) counsel's June 17, 2004 response to the NOIR; (4) the director's August 12, 2005 revocation; and (5) the Form I-290B, received at the service center on September 12, 2005. The AAO reviewed the record in its entirety before issuing its decision.

Counsel marked the box at section two of the Form I-290B to indicate that a brief and/or evidence would be sent within 30 days. The AAO did not receive this additional brief and/or evidence. As such, the AAO faxed a follow-up letter to counsel's office on December 8, 2006, requesting that the brief and/or additional evidence be sent within five business days. Counsel did not respond to the AAO's facsimile. Thus, the AAO deems the record complete and ready for adjudication.

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 only new document submitted on appeal is counsel's September 9, 2005 letter submitted with the Form I-290B, which stated that his submission included the Form I-290B, and a check for the filing fee.

Counsel has failed to identify any specific erroneous conclusion of law or statement of fact for the appeal. As no additional evidence is presented on appeal 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 these proceedings 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. Approval of the petition is revoked.