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U.S. Department of Homeland Security
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U.S. Citizenship
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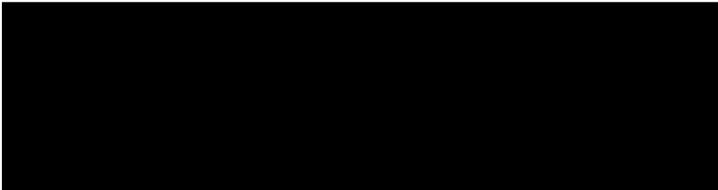


FILE: WAC 05 256 50215 Office: CALIFORNIA SERVICE CENTER Date: JUN 25 2007

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:



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.

Michael T. Kelly
1d Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The 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 a freight forwarding, customs clearing, domestic trucking, and transportation company that seeks to employ the beneficiary as an ocean import coordinator. The petitioner, therefore, endeavors to extend the beneficiary's nonimmigrant classification as a 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; (2) the director's request for additional evidence; (3) the petitioner's response to the director's request; (4) the director's denial letter; and (5) the Form I-290B. The AAO reviewed the record in its entirety before issuing its decision.

Counsel submitted the Form I-290B on March 16, 2006. Counsel marked the box at section two of the Form I-290B to indicate that a brief and/or evidence would be sent within thirty 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 May 24, 2007, 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 the Form I-290B, which states the following:

The petitioner's, [name withheld], H-1B [p]etition was denied and we found that we have a solid ground for appeal: [t]he petitioner intends to hire [the beneficiary] as its Ocean Import Coordinator/Marketing Research Analyst. [The beneficiary's] job duties are fully described under the job title of Ocean Import Coordinator/Marketing Research Analyst, which is so specialized and complex that knowledge usually required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree. We will send a brief and/or evidence to the AAO within 30 days.

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. The petition is denied.