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U.S. Department of Homeland Security  
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Washington, DC 20529



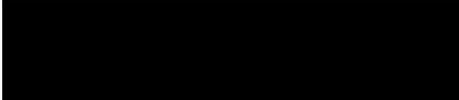
U.S. Citizenship  
and Immigration  
Services

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FILE: LIN 03 225 55814 Office: NEBRASKA SERVICE CENTER Date: **MAR 22 2005**

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:

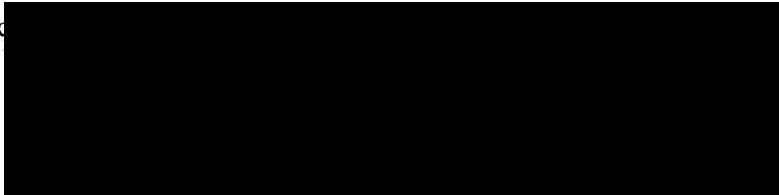
SELF - REPRESENTED

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.

Robert P. Wiemann, Director  
Administrative Appeals Office

cc



**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.

It is initially noted that the record of proceeding contains a G-28 indicating that the petitioner and the beneficiary are represented by attorney Patricia J. Sullivan. The G-28 is signed by the beneficiary, not a recognized party to the proceeding. The record does not contain a G-28 signed by the petitioner. As such, the petitioner is deemed to be self-represented as it filed the Form I-290B notice of appeal on its own behalf.

The petitioner is a provider of Internet security systems and services. It seeks to employ the beneficiary as a financial controller, and endeavors to classify him 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. The director determined that the proffered position was not a specialty occupation and that the beneficiary was not qualified to perform the duties of a specialty occupation. Accordingly, the petition was denied.

On appeal, the petitioner submitted a brief addressing the beneficiary's qualifications. The petitioner did not, however, specifically identify any erroneous conclusion of law or statement of fact upon which the appeal is based, with reference to the director's decision that the position offered was not a specialty occupation. The appellant must do more than simply ask for 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.