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U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

File: WAC 00 067 53067

Office: California Service Center

Date:

AUG 31 2001

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)

IN BEHALF OF PETITIONER:



PUBLIC COPY

INSTRUCTIONS:

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

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner seeks to employ the beneficiary as an applications programmer for a period of thirteen months. The director found the petitioner had failed to submit an itinerary of the beneficiary's proposed work sites including the contracts under which he would be employed.

On appeal, counsel states that the petitioner will use the employment of the beneficiary to provide services at the petitioner's clients sites. Counsel states that the beneficiary is going to work in San Jose and argues that as the job sites were unknown at the time of filing, the petitioner could not have given an itinerary for them.

The record shows that the director requested the petitioner to submit copies of contracts between it and other companies for consulting work that would include the type of work to be performed by the beneficiary. This was a reasonable request bearing directly on the issue of the validity of the petition. As the petitioner has not provided the information requested and required for the adjudication of this petition, it may not be approved.

Additionally, the director also requested that an itinerary of the beneficiary's proposed work sites be submitted. Pursuant to 8 C.F.R. 214.2(h)(2)(1)(B) a petition which requires services to be performed at or training to be received in more than one location must include an itinerary with the dates of services and training.

The record clearly shows that the beneficiary will be working at client sites other than the firm's headquarters. It is determined that the petitioner has failed to submit an itinerary listing the dates and locations where these services will be performed.

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.