



U.S. Department of Justice
Immigration and Naturalization Service

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



Public Copy

MAR - 8 2001

File: EAC 99 138 53192 Office: Vermont Service Center Date:

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:



Identification data deleted to prevent clearly unwarranted invasion of personal privacy.

INSTRUCTIONS:

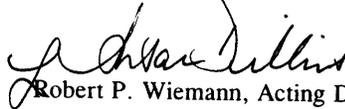
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

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 and is now before the Associate Commissioner, Examinations, on appeal. The appeal will be dismissed.

The petitioner seeks to employ the beneficiary as a database administrator for two years and five months. The director found the petitioner had failed to submit an itinerary of the beneficiary's proposed work sites including the time periods of employment and the contracts under which he would be employed.

On appeal, the petitioner states that the firm is actively doing business and that it is in a position to pay the salary of the beneficiary. The petitioner submits a copy of the company's 1998 Federal Income Tax return and documentation showing that it now has permission to issue 250,000 shares of stock to private investors and asserts that the company has done so. Counsel requests that the petition be approved.

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 petitioner's corporate 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.