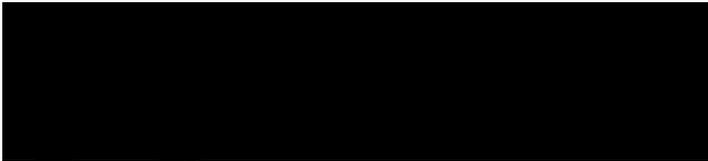




U.S. Citizenship
and Immigration
Services

D2



FILE: WAC 03 046 52326 Office: CALIFORNIA SERVICE CENTER Date: 4/10/2004

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

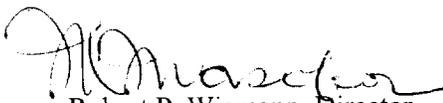
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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:
[Redacted]

FOR THE DIRECTOR

Identifying information deleted to
prevent identity unwarranted
disclosure. www.dhs.gov

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.

The petitioner is an insurance agency. In order to employ the beneficiary as an accountant, the petitioner 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b). The director denied the petition on the basis that the petitioner had failed to establish that the proffered position meets the definition of a specialty occupation as set forth at 8 C.F.R. § 214.2(h)(4)(iii)(A).

On September 30, 2003, the petitioner submitted a Form I-290B (Notice of Appeal), without a brief or evidence, and entered a check mark at the box at section 2 of the form which indicates that no brief or evidence would be submitted. In fact, neither has been received by the AAO.

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).

With regard to the basis of the appeal, the Form I-290B contains only this statement, which does not specify any legal or factual error in the director's decision:

Solely for humanitarian reasons, we respectfully ask that you reconsider this decision. We have known [the beneficiary] and her family for a number of years, [and] we trust and respect them and would very much appreciate being able to hire [the beneficiary]. Than[k] you for your consideration.

The petitioner fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. As the petitioner presents no additional evidence 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 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.