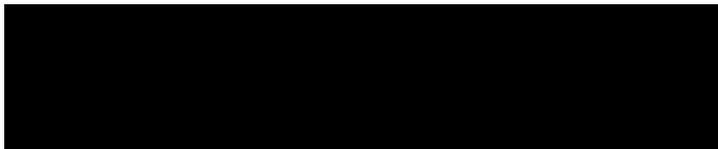




U.S. Citizenship
and Immigration
Services

D2



FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: 4/11/11

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

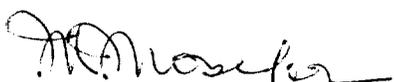
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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

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 a corporation doing business in the food services industry. In order to employ the beneficiary as a business development specialist, 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 beneficiary is qualified to perform services in the pertinent specialty occupation in accordance with any criterion at 8 C.F.R. § 214.2(h)(4)(iii)(C).

On September 29, 2003, the petitioner filed two documents signed by the petitioner's principal officer, namely, (1) a Form I-290B (Notice of Appeal) annotated to request 90 days to submit a brief and/or evidence, and (2) a letter explaining that the petitioner needed the additional time in order to find new counsel and prepare an appeal. The AAO has received no additional submissions since the aforementioned filing date. As the AAO has received neither a brief nor additional evidence, it 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).

Neither of the documents submitted on appeal specifies 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.