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U.S. Department of Homeland Security
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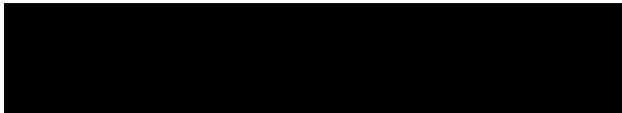
U.S. Citizenship
and Immigration
Services



FILE: WAC 03 234 53950 Office: CALIFORNIA SERVICE CENTER

Date: **NOV 05 2004**

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:



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 before the Administrative Appeals Office (AAO) on appeal. The appeal shall be summarily dismissed.

The petitioner is a computer and electronics sales and repair company that seeks to employ the beneficiary as an electronic engineer. The petitioner, therefore, 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 (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The director determined that the position is not a specialty occupation.

The petitioner submitted a timely Form I-290B on October 27, 2003, and indicated that no brief and/or evidence would be submitted to the AAO within 30 days. Therefore, the record is complete.

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). In a letter attached to the Form I-290B, the petitioner states that it is necessary to have a bachelor's and master's degree to perform the proffered position, and that the beneficiary is qualified to perform the duties of the position. The petitioner also lists job duties for electronic engineers involved in testing products, directing engineering personnel, and developing new applications for materials based on their properties. However, the petitioner does not specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. As the petitioner has presented no additional evidence 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.