



U.S. Citizenship  
and Immigration  
Services



FILE: WAC 04 136 54970 Office: CALIFORNIA SERVICE CENTER

Date:  
SEP 23 2004

IN RE: Petitioner:  
Beneficiary:



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

PUBLIC COPY

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

Administrative Appeals Office  
U.S. Citizenship and Immigration Services  
Washington, DC 20529

**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 management and staffing agency. In order to employ the beneficiary as a speech language pathologist, 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 it had secured a contract with the pertinent school district that is necessary to ensure that the beneficiary would be employed in the proffered position. The director also cited the lack of an employment itinerary and associated contracts to demonstrate that the beneficiary would be employed for the period requested in the visa petition. Finally, the director determined that the petitioner failed to establish that the beneficiary holds the licensure necessary for the proffered position.

On June 29, 2004, the petitioner submitted a Form I-290B (Notice of Appeal) without a brief or evidence. Although the petitioner entered a check mark at the box at section 2 of the Form I-290B which indicates that it needed 60 days to submit a brief and/or evidence, the AAO has received neither. Accordingly, the AAO 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).

On the Form I-290B, the petitioner only provides this general statement about the appeal and the need for additional time: "WE disagree with the decision made on this case and are in the process of compiling additional information to support our petition." (Capitalization in the original.)

The Form I-290B was accompanied by a letter, dated June 28, 2004, in which the petitioner reiterated that it "was not in agreement with the decision which was made" and explained that it was requesting the additional time "as we are waiting for the final signed contract between the petitioner and the work site, which will be submitted to support our petition."

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.