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U.S. Department of Homeland Security
20 Mass Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PHOTOCOPY



FILE: EAC 02 230 51708 Office: VERMONT SERVICE CENTER Date: SEP 30 2014

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

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:

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]

DISCUSSION: The Director of the Vermont Service Center denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal shall be dismissed.

The petitioner is a restaurant that seeks to employ the beneficiary as a manager of operations. The director denied the petition on the basis that: (1) the proffered position did not meet the definition of a specialty occupation; and (2) the beneficiary is not qualified to perform the duties of a specialty occupation.

Counsel submitted a timely Form I-290B on June 16, 2003 and indicated that a brief and/or additional evidence would be submitted to the AAO within 90 days. As of this date, however, the AAO has not received any additional evidence into the record. Therefore, the record is complete.

The AAO notes that the petitioner never signed counsel's Form G-28, Entry of Appearance as Attorney or Representative. Nevertheless, the AAO will consider all of the representations and documents contained in the record.

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, counsel fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. As neither the petitioner nor counsel presents 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.