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

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Dr

FILE: SRC 04 231 51513 Office: TEXAS SERVICE CENTER Date:

IN RE: Petitioner:
Beneficiary:



DEC 01 2005

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

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 hotel and hospitality industry company that seeks to employ the beneficiary as a personnel assistant.¹ 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 (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The director denied the petition because the proffered position is not a specialty occupation.

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 and accompanying letter, the petitioner fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition.² As the petitioner does not present any additional argument or 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.

¹ The AAO notes that the Labor Condition Application submitted by the petitioner indicates that the beneficiary would be working as a Russian-English Housekeeping Supervisor.

² On appeal, the petitioner states that it believes the director "mixed-up" two cases, since she references a different petitioner in her decision. It is clear, however, that the decision applies to the petitioner's case, since the position description and the beneficiary discussed by the director are identical to the description and the beneficiary listed on the petition.