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U.S. Citizenship
and Immigration
Services



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FILE: SRC 02 089 52382 Office: TEXAS SERVICE CENTER Date: DEC 08 2005

IN RE: Petitioner:
Beneficiary



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

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

The petitioner is a company that builds and repairs wood furniture that seeks to employ the beneficiary as a partner manager trainee. The petitioner endeavors to classify the beneficiary as a nonimmigrant worker trainee pursuant to section 101(a)(15)(H)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(iii). The director denied the petition because the petitioner did not establish that it had the physical plant and sufficiently trained manpower to provide the proposed training. The director also stated that the beneficiary already possessed substantial training and expertise in the field of the proposed training.

Counsel submitted a timely Form I-290B on September 30, 2002 and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. On October 31, 2005, the AAO notified counsel that no brief had been received and requested that any brief or evidence be submitted within five days. Counsel did not reply to the faxed notification.

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 counsel nor the petitioner presents 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.