

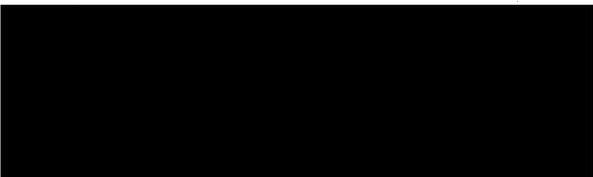
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U.S. Department of Homeland Security  
20 Massachusetts Avenue, NW, Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



D2

FILE: WAC 04 211 51812 Office: CALIFORNIA SERVICE CENTER Date: DEC 13 2005

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:



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 provides fundraising products and services to school and youth organizations that seeks to employ the beneficiary as a technical support manager. The petitioner endeavors to classify the beneficiary as a nonimmigrant worker 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 petitioner did not establish that the proffered position was a specialty occupation.

Counsel submitted a timely Form I-290B on February 24, 2005 and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. On November 21, 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.