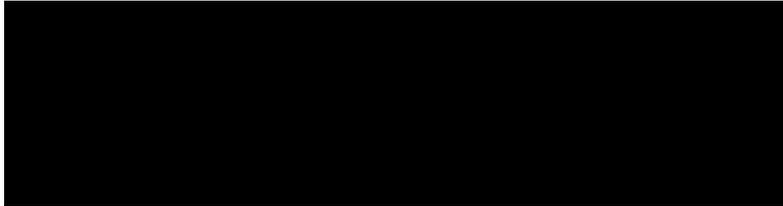


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U.S. Citizenship
and Immigration
Services

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FILE: LIN 99 048 50809 Office: NEBRASKA SERVICE CENTER Date: DEC 14 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:
[Redacted]

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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition by decision dated June 2, 1999. The matter was then appealed to the Administrative Appeals Office (AAO). By decision dated February 28, 2001, the AAO withdrew the director's decision and remanded the matter to the director for entry of a new decision. Pursuant to the AAO's determination, the director requested additional evidence from the petitioner. The petitioner did not respond to the director's request. The director then denied the Form I-129 petition and certified the matter to the AAO for review. The director's decision will be affirmed. The petition will be denied.

In her decision denying the petition on remand, the director determined that Citizenship and Immigration Services (CIS) could not verify the previous employment of the beneficiary, and that the petitioner had not met its burden of proving eligibility for the benefit sought. The petitioner has not submitted any response to the director's notice of certification, and has not overcome the decision of the director.

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 director's August 29, 2005 decision is affirmed. The petition is denied.