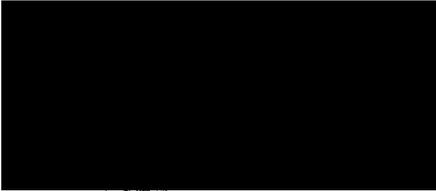




U.S. Citizenship  
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FILE: WAC 01 016 51270 Office: CALIFORNIA SERVICE CENTER Date: DEC 16 2003

IN RE: Petitioner:  
Beneficiary:



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 residential care facility. It seeks to employ the beneficiary as a public relations manager, and endeavors to classify him 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).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The director revoked the petition after the petitioner failed to respond to a Notice Of Intent To Revoke (NOIR). The NOIR indicated that the proffered position did not meet any of the requirements for a specialty occupation.

On appeal, the petitioner indicated on the Form I-290B that a brief would be filed within 30 days supporting the appeal. To date, no brief has been filed and the record is deemed complete. The petitioner also indicated on the notice of appeal that Citizenship and Immigration Services (CIS) abused its discretion by misinterpreting evidence, failing to consider material evidence, drawing conclusions based upon impermissible factors and facts not in evidence, and erroneously revoking the approval of the petition. The petitioner further states that CIS mailed the revocation decision to the wrong address of the petitioner's prior counsel.<sup>1</sup> The petitioner's appeal does not, however, specifically identify any erroneous conclusion of law or statement of fact on which the appeal is based. The appellant must do more than simply file an appeal. It must clearly demonstrate the basis for the appeal. This, the appellant has failed to do. As such, the appeal must be dismissed.

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.

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<sup>1</sup> The AAO notes that the appeal was timely filed within 33 days, not 15 days as indicated by the director.