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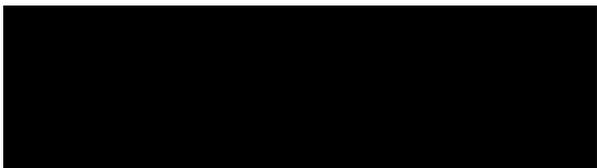
U.S. Department of Homeland Security
20 Mass. Ave. N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: EAC 03 147 51142 Office: VERMONT SERVICE CENTER Date: JUN 10 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 motel seeking to employ the beneficiary as a general manager. The petitioner, therefore, 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 on the basis that the proposed position was not a specialty occupation.

On November 3, 2003, counsel filed Form I-290B (Notice of Appeal) with a cover letter, labor condition application, credentials evaluation, motel brochure, and several documents concerning the beneficiary's qualifications.

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).

Excluding the Form I-290B, every document submitted on appeal was already contained in the record of proceeding. A close inspection of the petitioner's cover letter shows it to be a photocopy of the letter of support submitted when the petition was initially filed. The original letter was dated February 20, 2003; on appeal, the word "February" is covered in blank ink and the word "October" handwritten above it.

Thus, the only new document submitted on appeal is the Form I-290B, which states the following:

Kur Corporation is in the motel business for last 9 years incorporated in Harrisburg, PA [sic]. At present time my client Kur Corporation need Mr. Urvin I Shah for general manager [sic]. Mr. Shah has a 7 years experience in motel business [sic]. So my client need this person for [illegible] the business and manage the motel [sic].

On appeal, counsel is resubmitting evidence already in the record, this time for the AAO's consideration. Counsel fails to identify any erroneous conclusion of law or statement of fact for the appeal. As no additional evidence is presented 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 these proceedings 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. The petition is denied.