

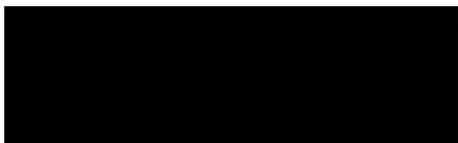
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U.S. Department of Homeland Security
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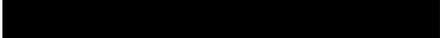
U.S. Citizenship
and Immigration
Services

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FILE: LIN 04 021 53139 Office: NEBRASKA SERVICE CENTER Date: **MAR 18 2005**

IN RE: Petitioner: 
Beneficiary: 

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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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 an information technology and solutions company. It seeks to continue its employment of the beneficiary as a computer hardware engineer, which was the object of a previously approved petition to employ the beneficiary as an H-1B nonimmigrant worker in a specialty occupation 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). In order to continue this employment, the petitioner endeavors to continue the beneficiary's H-1B classification and extend his stay. The director denied the petition on the basis that the petitioner had failed to establish that the proffered position meets the definition of a specialty occupation as set forth at 8 C.F.R. § 214.2(h)(4)(iii)(A).

On September 7, 2004, the petitioner submitted a Form I-290B (Notice of Appeal) without a brief or evidence. The only information that the petitioner provides about the basis of the appeal is this statement at section 3 of the Form I-290B:

1. The Service erred in not finding that the job to be performed by the beneficiary is [a] specialty occupation.
2. The Service erred in concluding that the Petitioner does not have current facilities to employ the beneficiary in house.
3. The Service erred in denying the I-129 (Extension) filed in behalf of the beneficiary.

The petitioner entered a check mark at the box at section 2 of the Form I-290B which indicates that it would not submit a brief and/or evidence on appeal. Accordingly, the record is complete and ready for adjudication.

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).

The petitioner fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. As the petitioner presents no additional 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.