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**U.S. Citizenship
and Immigration
Services**

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FILE: EAC 02 021 53009 Office: VERMONT SERVICE CENTER

Date: **NOV 02 2005**

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:

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: On December 23, 2001, the Vermont Service Center director approved the nonimmigrant H-1B visa petition. On July 25, 2002, the director served a Notice of Intent to Revoke (NOIR) on the petitioner's counsel by regular U.S. mail. Citizenship and Immigration Services (CIS) received no response to that NOIR. The director then revoked approval of the Form I-129 petition on January 21, 2003. The petitioner appealed the decision to revoke. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed. The petition will be denied.

The petitioner is an IT staffing and software development company. The petitioner seeks to employ the beneficiary as a programmer analyst and 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b). The director revoked the petition on the basis that the petitioner's location and telephone number could not be verified.

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. The petition was revoked because CIS could not verify the petitioner's location and telephone number and because the petitioner had not established that it would employ the beneficiary in a specialty occupation. The petitioner had notice of the revocation. Throughout the record, including the I-129, the labor condition application, and the form G-28, the petitioner listed its business address as: Gemini Systems, Inc., 97 Main Street, Suite 201, Woodbridge, New Jersey, 07095. The address of petitioner's counsel is clearly stated on two form G-28's in the record. The NOIR was sent to the petitioner's counsel and the revocation was sent to the petitioner's counsel and directly to the petitioner at the addresses provided.

On appeal, the petitioner states that the January 21, 2003, revocation was mailed to two incorrect addresses, but does not explain how it received the revocation. The petitioner states "we never had an office address of Gemini Systems at that location." Next, the petitioner states that counsel's address was incorrect and requests that all correspondence now be sent only to the petitioner and not to the petitioner's counsel. The petitioner then asks that all correspondence be sent to the petitioner at 97 Main Street, Suite 201, Woodbridge, New Jersey, 02095, the same address where all correspondence has been previously sent. In the I-290B Notice of Appeal, petitioner asks that the AAO "cancel the revo[c]ation." As neither the petitioner nor counsel presents 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 these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has failed to sustain that burden and the appeal shall accordingly be dismissed.

ORDER: The appeal is dismissed. The petition is denied.