

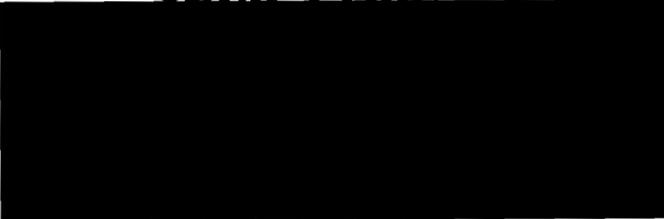


U.S. Citizenship
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FILE: LIN 05 800 41524 Office: NEBRASKA SERVICE CENTER Date: APR 05 2006

IN RE: Petitioner:
Beneficiaries:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(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 nonimmigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner engages in the business of freight transportation. It desires to employ the beneficiaries as truck drivers for nine months. The Department of Labor (DOL) determined that a temporary labor certification by the Secretary of Labor could be made. The director determined that the petitioner had not established that its need for the beneficiaries' services or labor is temporary.

On appeal, the representative for the petitioner states that its main concern is that the workers will be listed as overstayed and that this may jeopardize future visits to the United States.

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).

On the Notice of Appeal to the Administrative Appeals Unit (Form I-290B), the petitioner fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. Since the petitioner did not present any 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 not sustained that burden.

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