



U.S. Citizenship
and Immigration
Services

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy
PUBLIC COPY

D2

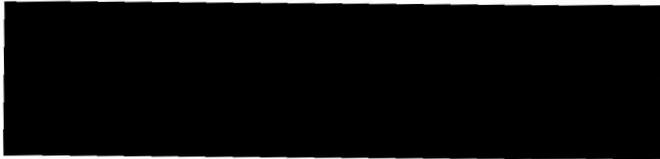


FILE: LIN 04 266 53250 Office: NEBRASKA SERVICE CENTER Date: APR 12 2006

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 director of the service center denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal shall be summarily dismissed.

The petitioner is a non-profit organization that provides consulting, brokerage, and financial services for the public broadcast industry. It seeks to employ the beneficiary as a financial analyst. The director denied the petition on the basis that the proffered position did not meet the definition of a specialty occupation.

The petitioner submitted a timely Form I-290B on December 2, 2004 and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. As of this date, however, the AAO has not received any additional evidence into the record. Therefore, the record is complete.

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 Form I-290B, the petitioner states that the director erred in finding that the proposed duties were not so specialized and complex as to require a bachelor's degree; that experience in the radio industry, rather than a bachelor's degree in business administration or a related field, is the minimum requirement for the offered position; and that the petitioner needed to show that it had required services of a financial analyst in the past. The petitioner further states that the director failed to adequately consider the supporting evidence.

The AAO finds that the petitioner's assertions are general in nature and fail to identify specifically the director's erroneous conclusions of law or statements of fact in denying the petition on the ground that the offered position fails to qualify as a specialty occupation. 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 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.