



U.S. Citizenship  
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FILE: EAC 04 260 51397 Office: VERMONT SERVICE CENTER Date: **JUL 14 2006**

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:

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, Chief  
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 investment corporation offering mortgage banking and brokerage services. It seeks to employ the beneficiary as a computer support specialist, and endeavors 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 (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The director determined that the proffered position is not a specialty occupation. Accordingly, the petition was denied.

On appeal, counsel for the petitioner states that he will file a brief and/or additional information within 30 days in support of the appeal. The appeal was filed on December 30, 2004. On January 23, 2005, counsel requested an additional 45 days in which to file a brief. That request was granted by the AAO and counsel was given until March 15, 2005 to file a brief. To date, no brief or additional information has been filed. The record is, therefore, deemed complete. The petitioner has failed to state any basis for its appeal and has not specifically identified any erroneous conclusion of law or statement of fact upon which the appeal is based. The appellant must do more than simply ask for an appeal. It must clearly demonstrate the basis for the appeal. This, the appellant has failed to do. As such, the appeal must be dismissed.

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.