



U.S. Citizenship
and Immigration
Services

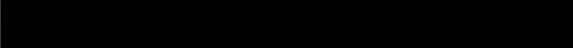
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



DZ

FILE: SRC 04 167 50100 Office: TEXAS SERVICE CENTER Date: **JUL 17 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 director of the Texas Service Center 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 a healthcare facility that seeks to employ the beneficiary as an adult education teacher and to classify her 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).

The director denied the petition on the basis that the petitioner failed to establish that its proposed position was a specialty occupation.

On January 24, 2005, the petitioner submitted a Form I-290B (Notice of Appeal) without a brief or evidence and marked the box at section 2, indicating that it was sending a brief and/or evidence to the AAO within 30 days. The AAO did not receive a brief or any additional evidence in this case.

An officer to whom an appeal is made shall summarily dismiss the appeal if the party concerned fails to specifically identify any erroneous conclusion of law or statement of fact in the original decision. 8 C.F.R. § 103.3(a)(1)(v).

The Notice of Appeal simply states the following:

The Service Center erred in finding that the proffered position was not a specialty occupation.

The petitioner did not specify any erroneous conclusion of law or statement of fact in the director's decision. As the petitioner presents no additional evidence on appeal to overcome the decision, 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 summarily dismissed.