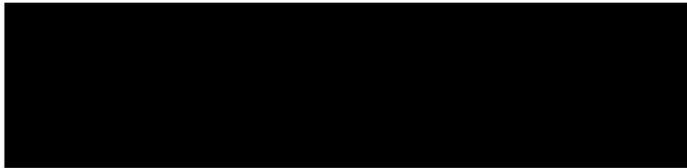


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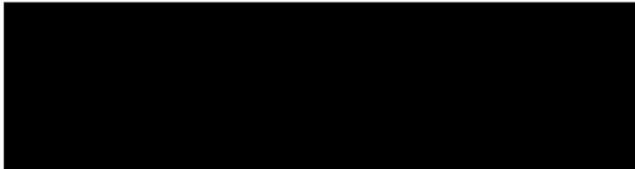
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FILE: LIN 03 153 54077 Office: NEBRASKA SERVICE CENTER Date: **MAY 24 2006**

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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition by decision dated July 25, 2003. The matter was then appealed to the Administrative Appeals Office (AAO). By decision dated October 28, 2005, the AAO withdrew the director's decision and remanded the matter to the director to determine whether the proffered position qualified as a specialty occupation, and if so, whether the beneficiary was qualified to perform the duties of the offered position. Pursuant to the AAO's determination, the director requested additional evidence from the petitioner on December 1, 2005. The petitioner did not respond to the director's request. The director then denied the Form I-129 petition on January 31, 2006 finding that the beneficiary was not licensed to work as a chiropractor, and was accordingly not qualified to perform the duties of the proffered position. The director then certified the matter to the AAO for review. 8 C.F.R. § 103.2(b)(13). The director's decision will be affirmed. The petition will be denied.

The petitioner has not responded to the director's certification to the AAO, and has not overcome the decision of the director that the beneficiary is not qualified to perform the duties of the proffered position.

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 director's decision of January 31, 2006 is affirmed. The petition is denied.