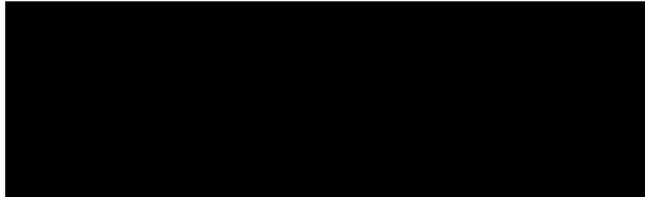




U.S. Citizenship
and Immigration
Services

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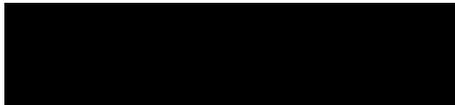
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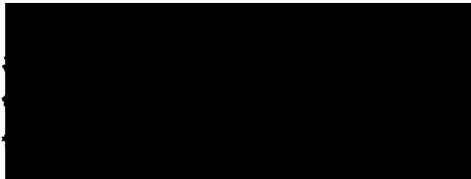
FILE: SRC 04 220 51709 Office: TEXAS SERVICE CENTER Date: **SEP 07 2006**

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.

for Michael T. Kelly
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 shall be summarily dismissed.

The petitioner is an e-commerce and business development company that seeks to employ the beneficiary as a systems analyst. The director denied the petition on the basis that the beneficiary is not qualified to perform the duties of a specialty occupation.

Counsel submitted a timely Form I-290B on April 6, 2005 and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. Counsel's facsimile, received by the AAO on July 19, 2006, indicates that the petitioner did not file a brief or evidence in support of the appeal. 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, counsel states that the director failed to consider the beneficiary's work experience in determining whether the beneficiary qualified for the proposed position. However, the director's denial letter stated that the petitioner submitted no evidence that validates the six years and seven months of work experience reported in the beneficiary's educational evaluation. Thus, the director had considered the beneficiary's work experience. Counsel, consequently, fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. 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.