



U.S. Citizenship
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Services

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APR 02 2007

FILE: EAC 05 215 52395 Office: VERMONT SERVICE CENTER Date:

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, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before the AAO. The appeal will be summarily dismissed.

The petitioner provides rehabilitation staffing services. It seeks to employ the beneficiary as a physical therapist. Accordingly the petitioner endeavors to classify the beneficiary as a nonimmigrant 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).

On November 9, 2005, the director denied the petition determining that the record did not establish that the beneficiary had met all the requirements of section 212(a)(5)(C) of the Act and thus the record did not establish that the beneficiary qualified for the classification requested.

On December 12, 2005, the Vermont Service Center received a Form I-290B, Notice of Appeal, indicating that a brief and/or additional evidence had been submitted with the Form I-290B. Careful review of the record reveals no brief or evidence. On March 1, 2007, the AAO requested that the petitioner submit any brief or evidence previously submitted; however the AAO did not receive a response. Accordingly, the record is considered 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).

The petitioner does not provide a statement on the Form I-290B. As the record does not contain other information or evidence as a basis for the appeal, 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. The petition is denied.