

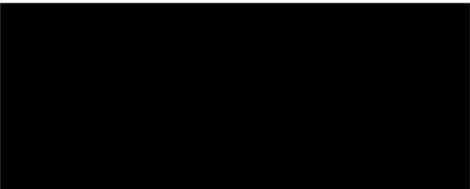
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**U.S. Citizenship  
and Immigration  
Services**

*D2*



FILE: WAC 04 092 53308 Office: CALIFORNIA SERVICE CENTER Date: **AUG 24 2007**

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:

SELF-REPRESENTED

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 black ink, 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 June 25, 2004. The matter was then appealed to the Administrative Appeals Office (AAO). By decision dated December 23, 2005, the AAO withdrew the director's decision and remanded the matter to the director for entry of a new decision. Pursuant to the AAO's determination, the director requested additional evidence from the petitioner. The petitioner did not respond to the director's request. The director then denied the Form I-129 petition and certified the matter to the AAO for review. The record reflects that the petitioner was properly served with a notice of the director's certification to the AAO of his decision to deny the petition, and that the notice apprised the petitioner of its option to submit to the AAO a brief or written statement in response to the certification within 30 days. To date, no brief or written statement has been received and the record is deemed complete.

The absence of evidence of the beneficiary's license to practice as a mechanical engineer was the basis of the AAO's previous decision to remand, of the director's subsequent request for additional evidence in his Notice of Intent to Deny, and of the decision certified by the director that is the subject of this adjudication. As the petitioner has failed to submit evidence of licensure, the director's decision to deny the petition is deemed correct as a proper application of the regulation regarding licensure. 8 C.F.R. § 214.2(h)(4)(v). Therefore, the director's decision will be affirmed. The petition will be denied.

Upon review, the AAO finds that the petitioner has not overcome the director's decision on certification. 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 not sustained that burden.

**ORDER:** The director's decision is affirmed. The petition is denied.