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FEB 01 2007

FILE: EAC 05 176 53188 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:

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 blue ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The service center director 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 petition will be denied.

The petitioner offers therapy services to the general public and seeks to employ the beneficiary as an occupational therapist. The petitioner endeavors to classify the beneficiary 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).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. On July 11, 2005, the director denied the petitioner's Form I-129 petition stating that the petitioner had not established that the beneficiary was qualified to perform the duties of a specialty occupation. Specifically, the director found that the beneficiary was not licensed to practice as an occupational therapist in New Jersey, and that the petitioner had not established that the beneficiary would be issued a license to practice occupational therapy immediately upon entry into the United States. The director noted that the petitioner did not provide evidence from the State of New Jersey stating that the beneficiary was eligible for licensure immediately upon arrival in the United States. The petitioner then filed the present appeal on August 5, 2005.

On appeal, the petitioner states that the beneficiary has completed licensing requirements except for applying for the license, and that the beneficiary does not have the resources to apply for the license while in her native country. The petitioner notes that upon arrival to the United States, it will assist the beneficiary in obtaining her license. The petitioner does not state that the decision of the director is incorrect, nor specifically identify any erroneous conclusion of law or statement of fact upon which the appeal is based. The appellant must do more than simply file an appeal. It must clearly demonstrate the basis for the appeal. This, the appellant has failed to do. As such, the appeal must be dismissed.

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.