

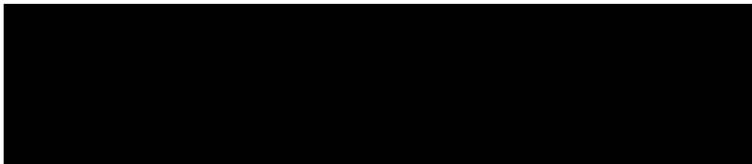
Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

PUBLIC COPY

D2



FILE: LIN 04 227 53211 Office: NEBRASKA SERVICE CENTER Date: **MAR 19 2008**

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 September 3, 2004. The matter was then appealed to the Administrative Appeals Office (AAO). By decision dated February 3, 2006, the AAO withdrew the director's decision and remanded the matter to the director to determine whether the beneficiary was qualified to perform the duties of a specialty occupation. Pursuant to the AAO's determination, the director requested additional evidence and notified the petitioner that it had 30 days in which to respond. The petitioner did not respond to the director's request. The director then denied the Form I-129 petition finding that the petitioner had not established that the beneficiary was qualified to perform the duties of a specialty occupation, and certified his decision to the AAO for review. 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 a specialty occupation.

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.

**ORDER:** The director's decision of February 1, 2007 is affirmed. The petition is denied.