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U.S. Department of Homeland Security
20 Massachusetts Ave., NW, Rm. 3000
Washington, DC 20539



U.S. Citizenship
and Immigration
Services

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FILE: WAC 06 800 12474 Office: CALIFORNIA SERVICE CENTER Date: **SEP 17 2007**

IN RE: Petitioner:
Beneficiary:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a)

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 Director, California Service Center, denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

Under the regulations, an affected party has 30 days from the date of an adverse decision to file an appeal. See 8 CFR § 103.3(a)(2). If the adverse decision was served by mail, an additional three-day period is added to the prescribed period. See 8 CFR § 103.5a(b). In accordance with 8 C.F.R. § 103.2(a)(7)(i) an application received in a CIS office shall be stamped to show the time and date of actual receipt, if it is properly signed, executed, and accompanied by the correct file. For calculating the date of filing, the appeal shall be regarded as properly filed on the date it is so stamped by the service center or district office.

Counsel submitted a timely Form I-290B on April 25, 2007. The AAO notes that the petitioner marked box C and indicated that it will send a brief and/or evidence to the AAO in 90 days. The Form I-290B states that additional time to send a brief and/or evidence may be granted only for good cause shown. The petitioner is required to explain in a separate letter attached to the form. Although the petitioner requested an additional 90 days to submit a brief and/or evidence to the AAO, it did not show good cause for the extension as required by the regulations pursuant to 8 C.F.R. § 103.3(B)(2)(vii). The request for an extension of time up to 90 days to submit a brief is denied. As of this date, the AAO has not received any additional evidence into the record.

Accordingly, the AAO finds that the record is complete and ready for adjudication. The appeal therefore consists solely of the Form I-290B which states the following:

1. Judicial errors
2. Judicial omissions
3. All issues have been cured

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 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. The petition is denied.