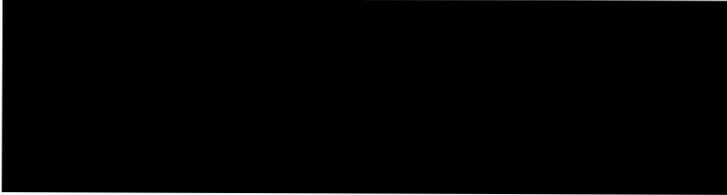




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
invasion of personal privacy

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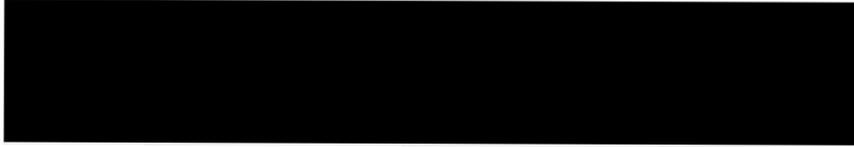
D-3

FILE: LIN 06 001 53791 Office: NEBRASKA SERVICE CENTER Date: MAR 24 2006

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act.

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.

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 and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a dental office. It seeks to employ the beneficiaries as a dental records administrator, and endeavors to classify her 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. The director denied the petition because the proffered position does not qualify as a specialty occupation.

On appeal, the petitioner indicated on the Form I-290B that a brief and/or additional evidence would be filed within 30 days supporting the appeal. To date, no brief or additional evidence has been filed and the record is deemed complete. The director determined that the proffered position was that of a medical records and health information technician, and did not qualify as a specialty occupation. The petitioner stated on the Form I-290B that the offered position was distinct from that of a medical records and health information technician, and the proffered position was that of a dental records administrator and qualified as a specialty occupation. The petitioner did not, however, specifically identify any erroneous conclusion of law or statement of fact upon which the appeal is based. The petitioner did not state how the director erred, identify any portion of the record contradicting the director's findings, or provide any legal basis or authority contradicting the director's legal conclusions. 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.