



U.S. Department of Justice

Immigration and Naturalization Service

D5

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

[REDACTED]

PUBLIC COPY

File: EAC 00 187 52529 Office: Vermont Service Center

Date: AUG 23 2001

IN RE: Petitioner: [REDACTED]  
Beneficiary [REDACTED]

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

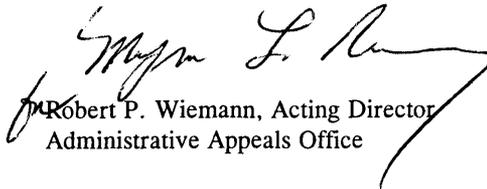
Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

IN BEHALF OF PETITIONER: [REDACTED]

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

  
for Robert P. Wiemann, Acting Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a hair salon. It seeks classification of the beneficiary as an apprentice cosmetologist for a period of one and one-half years. The director determined that the petitioner's training program deals in generalities with no fixed schedule, objectives or means of evaluation. The director also determined that the petitioner did not establish that the beneficiary will not engage in productive employment. Further, the director determined that the petitioner has not demonstrated why it is necessary that the beneficiary be trained in the United States.

The regulations at 8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

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.

On the Notice of Appeal to the Administrative Appeals Unit (Form I-290B), counsel states that the Service failed to recognize the uniqueness of the training provided and has erred in denying the H-3 visa in this case. Counsel also indicated that she was sending a brief and/or evidence to the Administrative Appeals Unit on or before March 15, 2001. Careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision. Consequently, the record must be considered complete.

Inasmuch as the petitioner has failed to identify specifically any erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed in accordance with 8 C.F.R. 103.3(a)(1)(v).

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 appeal is summarily dismissed.