



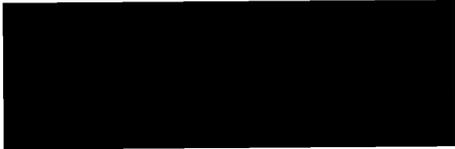
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U.S. Department of Justice

Immigration and Naturalization Service

Public Copy

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



File: EAC 00 240 50619 Office: Vermont Service Center

Date: JUL 30 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)

IN BEHALF OF PETITIONER



Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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

Robert P. Wiemann
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 film, television animation and digital effects company. It seeks classification of the beneficiary as an animation digital effects trainee for a period of six months. The director determined that the petitioner did not establish that the beneficiary will not engage in productive employment. The director also determined that the petitioner did not present a structured training program. Further, the petitioner has not demonstrated that the proposed training is not available in the beneficiary's own country.

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), the petitioner indicated that he was sending a brief and/or evidence to the Administrative Appeals Unit on or before February 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.