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U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
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prevent clearly unwarranted
invasion of personal privacy.

JUN 18 2001

File: EAC 00 175 53279 Office: Vermont Service Center Date:

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: Self-represented

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

Myra L. Rosenberg
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 telecommunications company. It seeks classification of the beneficiary as a student intern for a period of 11 months. The director determined that the beneficiary already possessed substantial training and expertise in the proposed field of training. 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 training program is designed to recruit and train aliens for the ultimate staffing of domestic operations in the United States.

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 November 23, 2000. 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.