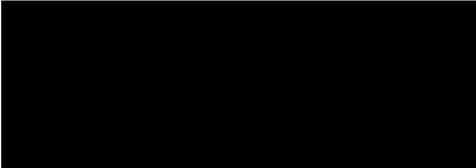




U.S. Citizenship
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Services

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Office: NEBRASKA SERVICE CENTER

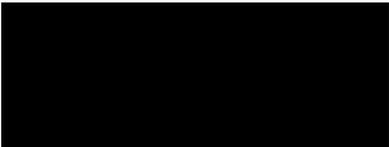
Date: **AUG 18 2006**

IN RE: Petitioner:
Beneficiary:



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)

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.

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 porcelain and chinaware company that seeks to employ the beneficiaries as trainees. The petitioner endeavors to classify the beneficiaries as nonimmigrant workers pursuant to section 101(a)(15)(H)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(iii). The director denied the petition because the petitioner failed to establish that a valid, structured training program exists. The director also determined that the beneficiaries already possess substantial training and expertise in the proposed field of training, and that the training would involve productive employment beyond that which is incidental to the training. The director found that the petitioner does not have the physical plant and sufficiently trained manpower to provide the training specified.

Counsel submitted a timely Form I-290B on April 12, 2006 and indicated that he would be submitting a separate brief or evidence within 90 days. On July 24, 2006, the AAO sent counsel a fax requesting a copy of the brief or evidence that had been submitted. Counsel did not reply. Therefore, the record is complete.

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 counsel nor the petitioner present any additional argument or 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.