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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: EAC 04 266 52318 Office: VERMONT SERVICE CENTER Date: MAY 23 2005

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)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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, Director
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 healthcare training, personnel and service provider that seeks classification of the beneficiary as a nurse trainee. The petitioner endeavors to classify the beneficiaries as nonimmigrant workers in a specialty occupation 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 training is on behalf of a beneficiary who already possesses substantial training and expertise in the field of proposed training. The director also found that the petitioner did not establish that the training is unavailable in the beneficiary's home country, and that the petitioner may not have sufficiently trained manpower to provide the proposed training.

The petitioner submitted a timely Form I-290B on February 7, 2005 and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. When no brief or evidence was filed, the AAO contacted the petitioner, which stated that it did not intend to supplement the documents it submitted with the Form I-290B. 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, the petitioner fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. The documents submitted with the Form I-290B are copies of the documents submitted with the initial petition, and upon which the director based his decision. As the petitioner presents no additional 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.