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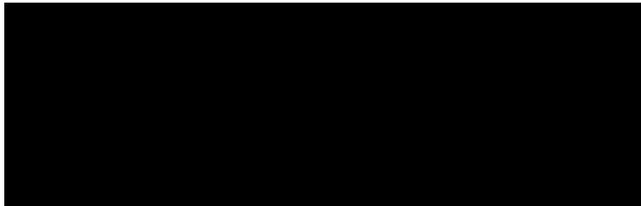
FILE: EAC 05 220 51282 Office: VERMONT SERVICE CENTER Date: NOV 06 2007

IN RE: Petitioner:
Beneficiary:



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

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision 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 medical office. It seeks to employ the beneficiary as an in-house accountant, and endeavors to classify her as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The director determined that the proffered position was not a specialty occupation. Accordingly, the petition was denied.

On appeal, the petitioner indicated on the Form I-290B that a brief would be filed within 30 days supporting the appeal. On August 29, 2007, the AAO notified counsel for the petitioner that its brief had not been received, and gave counsel five business days within which to submit the brief. By correspondence dated September 6, 2007, counsel stated that the brief had been filed with the Vermont Service Center and the AAO on September 8, 2006. Counsel stated that a file copy of the brief and supporting documents would be sent to the AAO that day. The AAO did not receive the brief and again contacted counsel on October 16, 2007 stating that the brief had not been received. A representative of counsel's office stated that the brief was in storage and that it would be retrieved and forwarded to the AAO. To date (October 30, 2007), the brief has not been received and the file is deemed complete. On the Form I-290B, the petitioner states simply that the duties of the beneficiary are complex in nature requiring training equivalent to a bachelor's degree, and that it is common practice for medical offices to employ in-house accountants. The petitioner did not specifically identify any erroneous conclusion of law or statement of fact upon which the appeal is based. The appellant must do more than simply file an appeal. It must clearly demonstrate the basis for the appeal. This, the appellant has failed to do. As such, the appeal must be dismissed.

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.