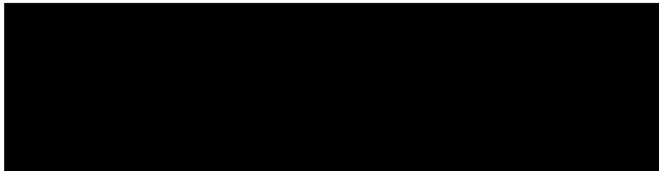


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prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
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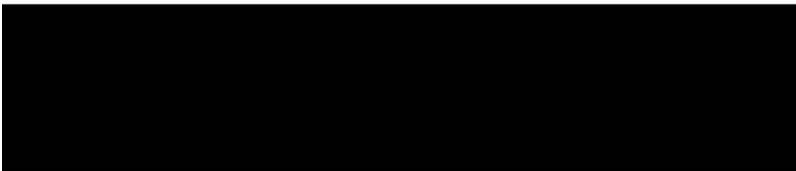
D1

FILE: WAC 07 149 53715 Office: CALIFORNIA SERVICE CENTER Date: NOV 05 2008

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 real estate office. It seeks to employ the beneficiary as a business technology manager, 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 denied the petition stating that the petitioner failed to establish that the proffered position qualified as a specialty occupation.

On appeal, the petitioner indicated on the Form I-290B that a brief and/or additional evidence would be filed within 30 days supporting the appeal. On October 10, 2008 the petitioner faxed to the AAO the following documents: an unsigned letter dated January 29, 2008, from [REDACTED] Certified Public Accountants, referencing the petitioner's balance sheet and statement of income for 2007; the petitioner's balance sheet for 2007; and the petitioner's statement of income for 2007. The petitioner provided no additional evidence or statements in support of its appeal.

The petitioner states on the Form I-290B that the director's decision is erroneous and that the proffered position qualifies as a specialty occupation. The petitioner further states that sufficient evidence was submitted to warrant approval of the petition, but that the adjudicating officer did not properly consider the evidence submitted which constitutes an abuse of discretion. The petitioner did not, however, address the basis of the director's denial, and 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 ask for 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.