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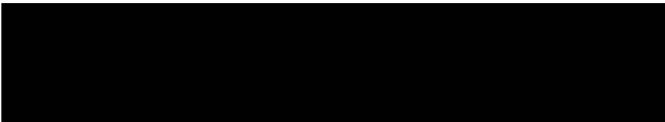
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529



U.S. Citizenship
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FILE: WAC 07 199 53558 OFFICE: CALIFORNIA SERVICE CENTER DATE: OCT 08 2009

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:

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew
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 dismissed. The petition will be denied.

The petitioner avers that it is engaged in computer consulting. It seeks to employ the beneficiary as a programmer analyst and, therefore, endeavors to classify the beneficiary 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).

On December 11, 2007, the director denied the petition because the petitioner failed to establish that it meets the definition of either a U.S. employer or agent. On appeal, the petitioner submits several brief statements on the Form I-290B and copies of documents that it had already submitted in response to the director's July 31, 2007 request for evidence (RFE).

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states that the AAO may summarily dismiss an appeal "when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal." Here, the petitioner does not address the merits of the director's decision and offers no evidence to overcome the director's stated reasons for denying the petition. None of the documents that the petitioner submits on appeal are new, as they were considered by the director in her decision to deny the petition.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. As the petitioner has not met its burden, the AAO summarily dismisses the appeal.

ORDER: The appeal is dismissed. The petition is denied.