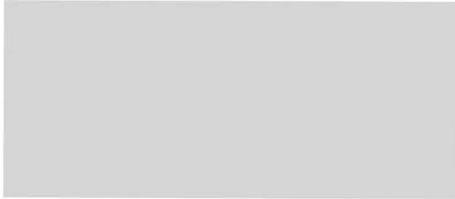




U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: **JUL 27 2015**

PETITION RECEIPT #: 

IN RE: Petitioner: 

Beneficiaries: 

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

ON BEHALF OF PETITIONER:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. We will summarily dismiss the appeal.

The petitioner seeks designation of its program as an international cultural exchange program and classification of the beneficiaries<sup>1</sup> as international cultural exchange visitors pursuant to the provisions of section 101(a)(15)(Q)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(Q)(i). The petitioner, a hotel and resort management company, seeks to employ the beneficiaries for a period of fifteen (15) months.

The director denied the petition, finding that the petitioner's program was not a qualifying international cultural exchange program pursuant to section 101(a)(15)(Q)(i) of the Act and the provisions at 8 C.F.R. § 214.2(q)(3). The director found the petitioner did not establish: (1) that it operates a program with an essential cultural component; or (2) that the beneficiaries will be employed primarily to share the culture of their respective native countries. The director concluded that the beneficiaries' main services are as hospitality industry employees, responsible for the day-to-day operation of the front desk and other departments, and that the submitted evidence fails to establish that the beneficiaries share their respective cultures with the public on a regular basis as an essential element of their work-related responsibilities.

The petitioner subsequently filed an appeal. The petitioner did not submit a separate statement regarding the basis for the appeal as instructed at part 4 of the Form I-290B, Notice of Appeal or Motion, which requires a petitioner to provide a statement explaining any erroneous conclusion of law or fact in the decision being appealed. The petitioner indicated on the Form I-290B that a brief and/or additional evidence would be submitted to us within 30 days. The petitioner filed the appeal on December 9, 2014. As of this date, approximately seven months have passed and we have not received the brief or additional evidence as indicated on the Form I-290B. Accordingly, the record will be considered complete.

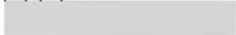
Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

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.

On appeal, the petitioner does not identify specifically an erroneous conclusion of law or statement of fact on the part of the director as a basis for the appeal. As noted above, we have not received a brief or additional evidence. Therefore, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

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<sup>1</sup> The director's decision acknowledged that on September 16, 2014, the petitioner requested the removal of three originally named beneficiaries on the Form I-129, [REDACTED], [REDACTED], [REDACTED], and [REDACTED].



In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Inasmuch as the petitioner has not identified specifically an erroneous conclusion of law or a statement of fact in support of the appeal, the petitioner has not sustained that burden.

**ORDER:** The appeal is summarily dismissed.