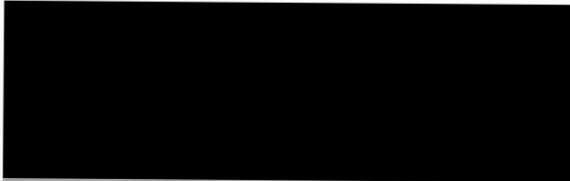




U.S. Citizenship
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Services

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invasion of personal privacy
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FILE: EAC 04 012 53909 Office: VERMONT SERVICE CENTER Date: **APR 05 2006**

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

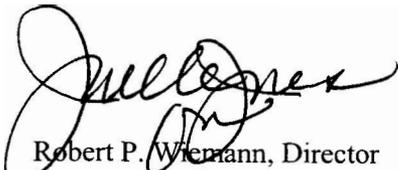
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:

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 an art studio that seeks to employ the beneficiary as a director of publicity. The petitioner 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). The director denied the petition on the basis that the petitioner did not establish that the beneficiary is qualified to perform the services of the specialty occupation. The director requested evidence showing that the alien holds a foreign degree determined to be equivalent to a United States baccalaureate or higher degree required by the occupation from an accredited college or university pursuant to 8 C.F.R. § 214.2(h)(4)(iii)(C)(2). The petitioner did not submit such evidence. The director found that the evidence of record did not establish that the beneficiary is qualified to perform services in a specialty occupation.

The petitioner submitted a timely Form I-290B on January 6, 2004 and indicated that a brief and/or additional evidence was submitted with the Form I-290B. As of this date, the AAO has not received any additional evidence into the record. 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).

In the appeal letter attached to 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 petitioner states that it was enclosing the beneficiary's transcripts to establish that the beneficiary's qualifications are sufficient for the proffered position. The petitioner does not submit evidence showing that the alien holds a foreign degree determined to be equivalent to a United States baccalaureate or higher degree required by the occupation from an accredited college or university pursuant to 8 C.F.R. § 214.2(h)(4)(iii)(C)(2). As the petitioner fails to present 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.