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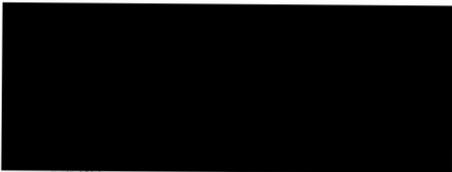
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FILE: LIN 04 162 53077 Office: NEBRASKA SERVICE CENTER Date: JUL 26 2006

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

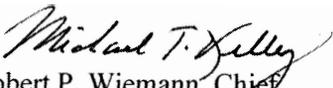
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:



**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.

*for*   
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, a corporation that operates Thai restaurants, seeks to employ the beneficiary as a restaurant manager and 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).

The director denied the petition on the bases that the position is not a specialty occupation and that the beneficiary is not qualified to perform the duties of the proposed position.

On May 7, 2005, counsel submitted a timely Form I-290B Notice of Appeal and indicated that he would send a brief and/or additional evidence to the AAO within 30 days. The AAO did not receive a brief or any additional evidence in this case. Therefore, the record is complete.

An officer to whom an appeal is made shall summarily dismiss the appeal if the party concerned fails to specifically identify any erroneous conclusion of law or statement of fact in the original decision. 8 C.F.R. § 103.3(a)(1)(v).

In the Notice of Appeal, and attached cover letter, counsel asserts that the materials previously submitted with the petition and in response to the director's request for evidence established that the position was a specialty occupation. Counsel did not address the issue of the beneficiary's qualifications.

Counsel did not specify any erroneous conclusion of law or statement of fact in the director's decision. As neither the petitioner nor counsel presents additional evidence on appeal to overcome the decision, 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.