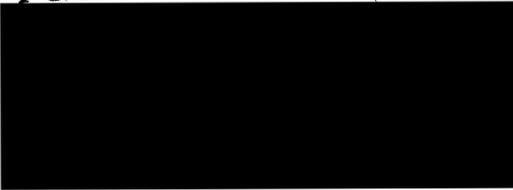




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identifying data deleted to  
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invasion of personal privacy

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FILE: WAC 04 058 50090 Office: CALIFORNIA SERVICE CENTER Date: JUL 26 2006

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

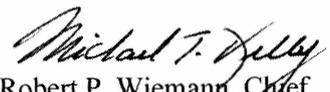
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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 the 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 travel agency that seeks to employ the beneficiary as a financial operations analyst and to classify him 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 submit a valid labor condition application with the petition.

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).

The Notice of Appeal simply states the following:

This appeal has been submitted for an opportunity to provide further proof that the applicant is employed for the purpose of performing financial analysis for his employer. The employer erroneously filed the original Form I-129 extension for Visa H-1 and petitioner's organization chart, in which indicated the applicant's ONLY job duties were "customer service." In fact, the applicant performs financial analysis. Further proof will be submitted within 30 days of this appeal.

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.