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FILE: EAC 08 137 53278 Office: VERMONT SERVICE CENTER Date: NOV 03 2009

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.

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 Director, Vermont Service Center, 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 educational consulting company that seeks to employ the beneficiary as a college instructor. 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 proffered position did not meet the definition of a specialty occupation.

The petitioner submitted a timely Form I-290B on July 18, 2008 accompanied by a one-page letter and documentary evidence.

The petitioner's letter in support of the appeal, dated June 19, 2008, simply states that the petitioner is a subsidiary of Goodwin Associates-Link, Inc., the largest professional development organization in New York City. It further states that it was formed in 2007 with three primary missions: (1) provide targeted training so childcare staff could better identify infants, toddlers, and preschool children with special needs; (2) work with staff to refer children with special needs; and (3) facilitate the referral process. Regarding the beneficiary, the petitioner concludes by simply stating that she was recruited to join the petitioner's team to provide the "targeted training," and claims that her involvement is critical because "she is bilingual" and "has excellent training skills."

The director denied the petition on the basis that the proposed position was not a specialty occupation. Moreover, the director found that the record was devoid of evidence to demonstrate that a specialty occupation position was realistically available or that any job existed for the beneficiary. Finally, the director noted that no description of the beneficiary's duties and no evidence demonstrating that the petitioner had done business was submitted, thereby precluding a finding that the proffered position qualified for classification as a specialty occupation.

Despite submitting additional documentation on appeal, the petitioner fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The director, however, provided a detailed analysis and specifically cited the deficiencies in the evidence in the course of the denial. The petitioner provided a general overview of the petitioner's business on appeal, and did not specifically identify what part of the director's analysis was incorrect and the reason(s) why it was incorrect. Filing an appeal without identifying any specific errors in the analysis is insufficient. In other words, the petitioner's general statements in its June 19, 2008 letter, without specifically identifying any errors on the part of the director, are simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence or lack of evidence submitted by the petitioner. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

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). The petitioner fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. Therefore, 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.