

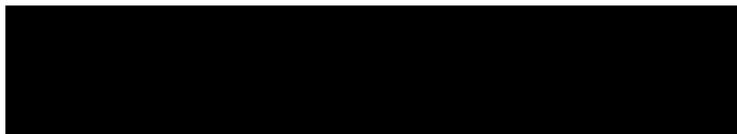
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



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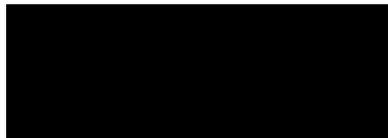
FILE: [REDACTED] Office: VERMONT SERVICE CENTER

Date: **OCT 04 2010**

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The service center director revoked the approval of this 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 corporation that claims to be doing business in wireless communication. The H-1B petition had been approved to continue the beneficiary's classification 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), so that the beneficiary could allegedly continue to perform as the petitioner's president/marketing director for the period September 19, 2009 to September 18, 2010.

The record of proceeding reflects that, on May 10, 2010, the service center director issued a decision revoking the approval of the petition, after issuing a notice of intention to revoke (NOIR) and allowing the petitioner ample time to respond.<sup>1</sup>

The director denied the petition on the basis that the petitioner had not submitted any response to the NOIR.

On June 9, 2010, the petitioner's counsel submitted a Form I-290B (Notice of Appeal or Motion), without a brief or evidence. The only comment that counsel submits about the appeal is the following statement at Part 3 of the Form I-290B:

The Center Director erroneously revoked [the] H-1B visa approval. The petitioner will submit within 30 days additional documents to address the reasons for revocation.

Although the petitioner's counsel checked box B at section 2 of the Form I-290B, indicating that the petitioner would send a brief and/or evidence within 30 days, the AAO has received neither. Accordingly, the record of proceeding is deemed complete as currently constituted.

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's counsel fails to specify how the director made any erroneous conclusion of law or statement of fact in revoking the petition. As neither the petitioner nor counsel presents 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.

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<sup>1</sup> The record also reflects that the petitioner did not submit a response to the NOIR.

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