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



U.S. Citizenship  
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Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER

Date: OCT 06 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 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 a wholesale distributor that seeks to employ the beneficiary as a production analyst. The petitioner, therefore, 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, finding that the petitioner had failed to establish that: (1) the proffered position qualified as a specialty occupation; and (2) the beneficiary was qualified to perform the duties of a specialty occupation.

The petitioner submitted a timely Form I-290B on July 7, 2010 and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. As of this date, however, the AAO has not received any additional evidence into the record. Therefore, the record is considered complete as currently constituted.

On the Form I-290B, the petitioner stated:

Please see brief and additional supporting documents attached herewith. USCIS had erroneously denied the non Immigrant visa petition on the assumption that the beneficiary did not qualify for the position offered. The beneficiary is qualified, as evidence by the attached documents.

Additional documents and a brief would be submitted to the AAO within 30 days.

The director, however, provided a detailed analysis and specifically cited the deficiencies in the evidence in the course of the denial. While the petitioner claims that the director's decision was erroneous by finding that the beneficiary "did not qualify for the position offered," the petitioner did not specifically identify what part of the director's analysis was incorrect and the reason(s) why it was incorrect. Generally stating the director's conclusions without identifying any specific errors in the analysis is insufficient. In other words, the petitioner's general objections on the Form I-290B, 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)).

The AAO notes that, while a brief and additional evidence have not been submitted, the Form I-290B was accompanied by the beneficiary's degree certificates, resume, and credentials evaluation. The AAO notes that these documents were previously submitted into the record and considered by the director when rendering his decision. The director found these documents insufficient to establish the beneficiary's eligibility for the proffered position, and articulated the deficiencies in these documents in the denial. The petitioner has failed to identify any errors in the director's analysis of the beneficiary's credentials, and likewise fails to address the issue of whether the proffered position is a specialty occupation.

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. 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.

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