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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



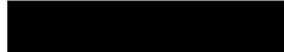
U.S. Citizenship
and Immigration
Services

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Date: **DEC 15 2011** Office: VERMONT SERVICE CENTER

FILE: 

IN RE: Petitioner:
Beneficiary:



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:

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 \$630. 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, initially approved the nonimmigrant visa petition. Upon subsequent review, the director issued a Notice of Intent to Revoke (NOIR) approval of the petition and ultimately revoked its approval. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed. The approval of the petition will remain revoked.

The petitioner states that it provides architectural services and was established in 2009 with one employee. It seeks to employ the beneficiary as an architect 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 revoked approval of the petition after determining that the petitioner had not established an employer-employee relationship with the beneficiary.

The petitioner checked the box on the Notice of Appeal (Form I-290B) indicating that a brief and/or additional evidence would be submitted to the AAO within 30 days. To date no supplemental brief or additional evidence has been submitted. The record is considered complete. The petitioner asserts on appeal that approval of the petition should not have been revoked as the director erred in finding that there was no employer/employee relationship between the petitioner and the beneficiary. The petitioner asserts that approval of the petition should be reinstated.

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 record on appeal does not resolve the deficiencies noted by the director. Although the petitioner asserts that the director's revocation of approval of the petition was erroneous, the petitioner does not provide a basis for the assertion. The petitioner does not provide any additional facts for consideration. As the petitioner does not present additional evidence or argument on appeal sufficient 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. The approval of the petition remains revoked.