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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: FEB 08 2012

Office: CALIFORNIA 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, California 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 engaged in the design, manufacture, and sale of auto parts, and seeks to employ the beneficiary as a web design specialist. 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 demonstrate that the proffered position was a specialty occupation.

The petitioner filed a timely Form I-290B on September 22, 2011, and submitted copies of the beneficiary's job description in support of its contention that the proffered position is a specialty occupation. Specifically, the petitioner stated on Form I-290B:

Appeal: Detailed job descriptions for the beneficiary [] are attached to support our contention that we need minimally a college educated professional to serve as our Web Design/E-Commerce specialist.

The petitioner also included a letter dated September 15, 2011 in which it discusses the evidence submitted on appeal. Specifically, the petitioner advised that it was including (1) a detailed job description for the proffered position, which divided the position into six categories; and (2) a recommendation letter from [redacted] and Associate Professor of Informatics at [redacted].

Although the petitioner submits additional documentary evidence in support of the appeal, the petitioner fails to adequately address the director's conclusions. In the brief statements on Form I-290B and in the September 15, 2011 letter, the petitioner simply states that it is attaching evidence to support its contention that it requires "minimally a college educated professional" to perform the duties of the proffered position. The director, however, did a thorough analysis of the evidence of record and specifically discussed the manner in which the submitted evidence was insufficient to satisfy the petitioner's burden of proof. The petitioner does not identify, specifically, any erroneous conclusion of law or statement of fact by the director.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, that 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. In the instant case, the petitioner fails to acknowledge or address the director's reasons for the denial. Accordingly, the appeal will be summarily dismissed.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Inasmuch as the petitioner has failed to

identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the petitioner has not sustained that burden. Therefore, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.