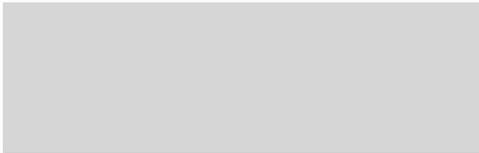




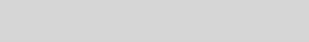
U.S. Citizenship
and Immigration
Services

(b)(6)



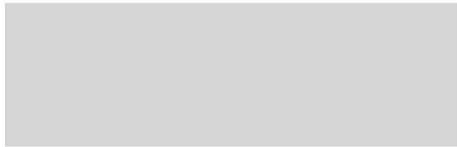
DATE: **JUN 17 2015**

PETITION RECEIPT #: 

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:



Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

On the Petition for a Nonimmigrant Worker (Form I-129), the petitioner describes itself as a four-employee "Gems & Jewelry" business established in [REDACTED]. In order to employ the beneficiary in what it designates as a part-time "Business Analyst" position, the petitioner seeks to classify him 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 (1) the Labor Condition Application was certified by the Department of Labor after the date of filing the Form I-129, and (2) the evidence of record did not establish the availability of specialty occupation work as a business analyst at the time the petition was filed. The petitioner then filed the instant Notice of Appeal or Motion (Form I-290B).

On the Form I-290B, the petitioner indicated that it would submit a brief and/or additional evidence to this office within 30 days. The petitioner did not attach a separate statement or any supporting documentation with the Form I-290B. As of the date of this notice, no brief and/or additional evidence has been received.

The regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

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.

Upon review, the petitioner has failed to specifically identify any erroneous conclusion of law or statement as a basis for the appeal. As noted, the petitioner did not provide a brief or additional evidence in support of the appeal despite indicating on the Form I-290B that it would do so within 30 days of filing the appeal. Moreover, the petitioner did not provide with its appeal a separate statement regarding the basis of the appeal, as instructed at Part 4 of the Form I-290B. A petitioner filing an appeal is required to provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. Here, the petitioner has made no reference or objection to the specific findings set forth in the Director's decision. Therefore, consistent with 8 C.F.R. § 103.3(a)(1)(v), the appeal will be summarily dismissed.

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.