



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF I-V-C-, INC.

DATE: APR. 29, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, a software development firm, seeks to extend the Beneficiary's temporary employment as a "software engineer" under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The H-1B program allows a U.S. employer to temporarily employ a qualified foreign worker in a position that requires both (a) the theoretical and practical application of a body of highly specialized knowledge and (b) the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum prerequisite for entry into the position.

The Director, Vermont Service Center, denied the petition. The Director concluded that the Petitioner did not establish the availability of qualifying specialty occupation employment for the Beneficiary.

The matter is now before us on appeal. We will summarily dismiss the appeal.

**I. APPEAL**

The Petitioner submitted the Form I-290B, Notice of Appeal or Motion, and marked box "a" at "Part 3. Information About the Appeal or Motion" to indicate that a brief and/or additional evidence is attached. With the Form I-290B, the Petitioner (through counsel) submitted a letter dated October 26, 2015. We fully and in-detail reviewed the submission, including the Form I-290B and the October 26, 2015, letter. However, the Petitioner did not identify any specific assignment of error.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states 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." In the instant case, the Petitioner has not specifically identified any erroneous conclusion of law or a statement of fact as a basis for the appeal and, thus, the appeal must be summarily dismissed.

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## II. CONCLUSION

The burden is on the Petitioner to show 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 pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of I-V-C-, Inc.*, ID# 17004 (AAO Apr. 29, 2016)