



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

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

MATTER OF S-D- INC.

DATE: JAN. 29, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a gems and jewelry business, seeks to temporarily employ the Beneficiary as a “systems analyst” under the H-1B nonimmigrant classification. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The Director, Vermont Service Center, revoked the approval of the petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

On August 3, 2015, the Petitioner submitted a Form I-290B, Notice of Appeal or Motion, without a brief or evidence. Although the Petitioner indicated on the Form I-290B that the Petitioner would send a brief and/or additional evidence within 30 days, we have received neither. Accordingly, the record will be considered complete as presently constituted.

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.”

Upon review, the Petitioner has not specifically identified any erroneous conclusion of law or statement of fact as a basis for the appeal. The Petitioner’s appeal makes no objection to the specific findings set forth by the Director. 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 pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of S-D- Inc.*, ID# 16040 (AAO Jan. 29, 2016)