



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

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

MATTER OF A-, INC.

DATE: MAY 4, 2016

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

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

The Petitioner, a research and development firm, seeks to temporarily employ the Beneficiary as a “legal research analyst” 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, California Service Center, denied the petition. The Director concluded that the Petitioner did not establish that the proffered position qualifies as a specialty occupation in accordance with the applicable statutory and regulatory provisions.

Although the Petitioner marked Box 1(b) in Part 3 of the Form I-290B, indicating that a brief and/or additional evidence would be submitted within 30 days, there is no evidence that the record has been supplemented with any additional submissions. 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.”

The Petitioner has not specifically identified any erroneous conclusion of law or statement of fact 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 intended do so. 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.

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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 A-, Inc.*, ID# 17998 (AAO May 4, 2016)