



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

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

MATTER OF S-, INC.

DATE: SEPT. 27, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

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

The Petitioner, a jewelry business, seeks to continue to employ the Beneficiary as an accountant under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act (the Act) section 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 had not demonstrated that the proffered position qualifies as a specialty occupation position. The Director also denied a subsequent motion.

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

I. LEGAL FRAMEWORK

An officer will summarily dismiss an appeal when the Petitioner does not identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

II. DISCUSSION

The Petitioner marked Box 1(b) in Part 3 of the Form I-290B, Notice of Appeal or Motion, to indicate that a brief and/or additional evidence would be submitted within 30 days of filing the appeal. However, we did not receive a brief or additional evidence within the allotted timeframe. Moreover, the Petitioner did not provide a separate statement regarding the basis of the appeal, as instructed at Part 4 of the Form I-290B. Accordingly, the record is considered complete.

Upon review of the appeal, we conclude that the Petitioner has not specifically identified any erroneous conclusion of law or statement of fact as a basis for the appeal. Further, the Petitioner has made no reference or objection to the specific findings set forth in the Director's decision.

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III. 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). Inasmuch as the Petitioner has not specifically identified an erroneous conclusion of law or a statement of fact in this proceeding, the Petitioner has not met that burden.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of S-, Inc.*, ID# 44554 (AAO Sept. 27, 2016)