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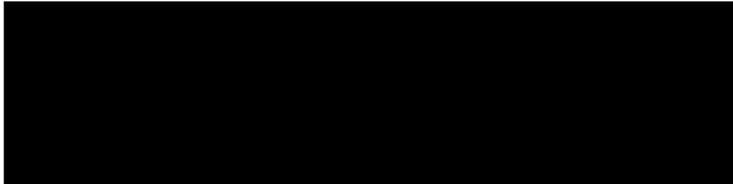
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: EAC 05 135 51625 Office: VERMONT SERVICE CENTER Date: JAN 25 2008

IN RE: Petitioner:
Beneficiary:



PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act.

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was initially approved by Citizenship and Immigration Services (CIS) on September 8, 2005. On November 29, 2006, CIS gave notice of intent to revoke (NOIR) approval of the petition. The petitioner responded to the NOIR as permitted by regulation. CIS then revoked the petition stating that the petitioner had not overcome the stated grounds for revocation. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a software development and consulting company. It seeks to employ the beneficiary as a software engineer, and endeavors 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).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The director revoked prior approval of the Form I-129 petition because the petitioner failed to establish that the beneficiary was qualified to perform the duties of a specialty occupation.

On appeal, the petitioner indicated on the Form I-290B that a brief and/or additional evidence would be filed within 30 days supporting the appeal. To date, no brief or additional evidence has been filed and the record is deemed complete. The petitioner did not identify any erroneous conclusion of law or statement of fact upon which the appeal is based. The appellant must do more than simply file an appeal. It must clearly demonstrate the basis for the appeal. This, the appellant has failed to do. As such, the appeal must be dismissed.

The burden of proof in this proceeding rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.