

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy  
**PUBLIC COPY**

U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
*Office of Administrative Appeals* MS 2090  
Washington, DC 20529-2090

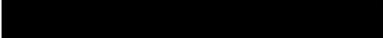
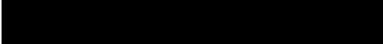


**U.S. Citizenship  
and Immigration  
Services**



*A4*

FILE: WAC 09 077 51203    Office: CALIFORNIA SERVICE CENTER    Date: **AUG 05 2010**

IN RE:            Petitioner:   
                    Beneficiary: 

PETITION:    Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(iii) of the  
                    Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(iii)

ON BEHALF OF PETITIONER:  


**INSTRUCTIONS:**

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,



Derry Rhew  
Chief, Administrative Appeals Office

of the ...  
...  
...

...

**DISCUSSION:** The director denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a commercial printing company that seeks to employ the beneficiary as a trainee for a period of 20 months. The petitioner, therefore, endeavors to classify the beneficiary as a nonimmigrant worker trainee pursuant to section 101(a)(15)(H)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(iii).

The record of proceeding before the AAO contains (1) the Form I-129 and supporting documentation; (2) the director's request for evidence (RFE); (3) the petitioner's response to the director's RFE; (4) the director's denial letter; and, (5) the Form I-290B and supporting documentation. The AAO reviewed the record in its entirety before issuing its decision.

The petitioner submitted the Form I-290B on August 28, 2009. Counsel for the petitioner marked the box at section two of the Form I-290B to indicate that a brief and/or evidence would be sent to the AAO within 30 days. The appeal brief was never received by the AAO, thus, the AAO deems the record complete as currently constituted.

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. 8 C.F.R. § 103.3(a)(1)(v). The only new document submitted on appeal is the Form I-290B, which states that the appellant will submit a brief and supporting documents within 30 days.

In this instance, the petitioner has not specifically identified a basis for the appeal, nor has the AAO found, an erroneous conclusion of law or a statement of fact in the director's decision. For example, counsel for the petitioner has not specifically identified or explained how or in what way the director erred in finding that the petitioner failed to establish that it does not qualify for H-3 classification. Under these circumstances, the regulations mandate the summary dismissal of the appeal.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The appeal is summarily dismissed. The petition is denied.

