

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

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



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

PUBLIC COPY

[REDACTED]

155

DATE: **MAR 15 2012** OFFICE: NEBRASKA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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:

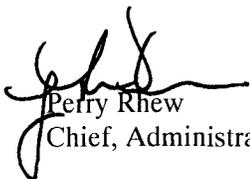
[REDACTED]

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 \$630. 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,


Perry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The service center director (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 represented itself on the Form I-129 as a construction and development company with two employees. It seeks to employ the beneficiary as a skilled plumbing apprentice 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 director denied the petition on the basis of his determination that the petitioner failed to establish: (1) that similar training is unavailable in the beneficiary's home country; (2) that the training would not be provided primarily at or by an academic or vocational institution; (3) that the beneficiary would not engage in productive employment beyond that incidental and necessary to the training; (4) that the beneficiary would not be placed in a position which is in the normal operation of the business and in which citizens and resident workers are regularly employed; and (5) that the beneficiary does not already possess substantial training and expertise in the proposed field of training. On appeal, counsel submits a one-sentence statement made on the Form I-290B, Notice of Appeal or Motion.¹

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to specifically identify any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v). Although counsel expresses her disagreement with the director's decision, she does not identify any specific, erroneous conclusion of law or statement of fact made by the director. Accordingly, the appeal must be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

In these proceedings, the petitioner bears the burden of proof to establish its eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). It has not met that burden and the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.

¹ Counsel stated on the Form I-290B that she would submit a brief and/or additional evidence within 30 days. However, we received no further correspondence.