



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: **MAR 31 2014** OFFICE: VERMONT SERVICE CENTER

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:

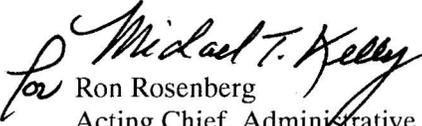
SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,


for Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The service center 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 petition will be denied.

On the Form I-129 visa petition, the petitioner describes itself as a hotel, resort, and restaurant management company established in 2006. In order to employ the beneficiary in what it designates as a hotel and restaurant management trainee position, the petitioner seeks to classify him as a nonimmigrant alien 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 director denied the petition on April 10, 2013, and the petitioner filed a timely appeal. While conducting a preliminary review of the record of proceeding, however, the AAO discovered that the brief and supporting evidence submitted by the petitioner on appeal pertained to a different petition, and that, consequently, the appeal as submitted failed to articulate its basis.

As a courtesy under the particular circumstances of this matter, the AAO issued a request for the petitioner to submit any brief and evidence that it could show that it had prepared for the instant appeal during the time allotted for the submission of appeals, but had failed to submit because it mistook the other petition's appeal material as what it had prepared for the instant appeal, and so also mistakenly believed that it had submitted to USCIS the material meant to support the appeal now before us. The AAO issued the request on January 30, 2014, and it provided the petitioner 15 days in which to respond. The AAO has received no response.

Our notice of the opportunity to remedy the possible mailing mistake expressly stated that we would summarily dismiss the appeal if the petitioner did not respond within the allotted 15 days. We now proceed accordingly.

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 petitioner does not specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. As the petitioner no additional evidence on appeal to overcome the director's decision, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

In visa petition proceedings, it is the petitioner's burden to establish 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.