U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF D- INC.

DATE: JAN. 18, 2017

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, an industrial textile manufacturer, seeks to classify the Beneficiary as an immigrant under Section 203(b)(2) of the Immigration and Nationality Act (the Act), and employ the Beneficiary permanently in the United States as a senior process engineer. *See* Section 203(b)(2) of the Act, 8 U.S.C. § 1153(b)(2).

The Director, Texas Service Center, denied the petition. The matter is now before us on appeal. Upon review, we will summarily dismiss the appeal.

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).

On the Form I-290B, Notice of Appeal or Motion, the Petitioner stated that a brief or additional evidence would be submitted within 30 days of filing on September 23, 2016. We note that the denial notice dated August 25, 2016, was returned to USCIS as undeliverable. However, USCIS served the Petitioner with a copy of the denial notice on October 4, 2016. This copy of the denial notice has not been returned to USCIS as undeliverable. Although we have afforded the Petitioner additional time to file a statement for the basis of the appeal following service of the denial notice, we have not received anything further from the Petitioner to date.

Because the Petitioner has not identified any specific, erroneous conclusion of law or statement of fact in the Director's decision below, the appeal must be summarily dismissed.

The burden of proof in these proceedings rests solely with the Petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has not satisfied that burden and the appeal will be summarily dismissed.

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

Cite as *Matter of D- INC.*, ID# 326281 (AAO Jan. 18, 2017)