

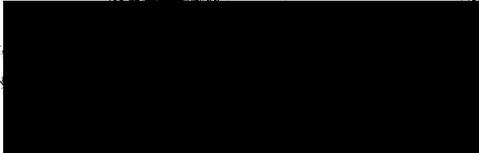
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FILE: WAC 04 072 50405 Office: CALIFORNIA SERVICE CENTER Date: FEB 16 2005

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

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

Robert P. Wiemann, Director
Administrative Appeals Office

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

The petitioner is a dental clinic. It seeks to employ the beneficiary as an accountant and to classify her as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition on the ground that the record did not establish that the proffered position is a specialty occupation.

On appeal counsel asserts that the director erred in finding that the duties of the proffered position were not primarily those of an accountant, but rather of a bookkeeping, accounting or auditing clerk – positions which do not qualify as specialty occupations. Counsel claims that the non-accountant duties of the proffered position represent less than five percent of the position’s overall duties. Counsel did not state which of the director’s specific findings was erroneous, however, nor identify the specific duties he deemed to be at the accountant level, nor calculate how such duties added up to 95% of the overall duties. Counsel indicated on the appeal form, filed on August 6, 2004, that a brief and/or additional evidence would be submitted within 30 days. No brief or additional evidence was filed in that 30-day period, however, or at any time up to the date of the instant decision.

As specified in 8 C.F.R. § 103.3(a)(1)(v), “[a]n 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.” The petitioner in this case has not specifically identified any erroneous conclusion of law or statement of fact in the director’s decision. Accordingly, the appeal must be summarily dismissed.

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