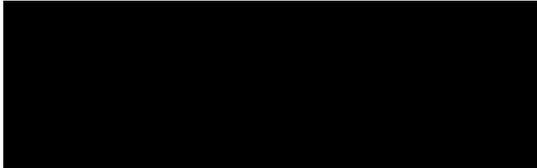


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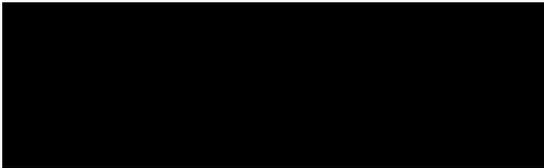
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FILE: WAC 04 133 50183 Office: CALIFORNIA SERVICE CENTER Date: JUN 28 2005

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.

for Michael T. Kelly
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 manufacturer and marketer of women's and children's swimwear. It seeks to employ the beneficiary as an international marketing manager 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 grounds that the record failed to establish that the proffered position qualifies as a specialty occupation, or that the beneficiary qualifies to perform the services of a specialty occupation, or that the beneficiary was in valid non-immigrant status on the date the instant petition was filed.

In a letter to the service center dated September 10, 2004, the petitioner's president stated that the petitioner accepts the director's decision to deny the appeal, but wanted to demonstrate that, contrary to the director's determination that the beneficiary's authorized stay expired before the petition was filed, the beneficiary "is in and has been in a valid nonimmigrant status as a full-time student." Enclosed with the letter are documents related to the period of the beneficiary's authorized stay in F-1 (student) nonimmigrant status. Action on the petitioner's request for a correction of records and confirmation of the beneficiary's F-1 status is beyond the purview of the AAO.

An appeal (Form I-290B) was filed by counsel on September 27, 2004, on which he indicated that a brief and/or evidence would be submitted to the AAO within 30 days. No such brief or evidence was filed in the next 30 days, however, and in a telephone call to the AAO on June 13, 2005 counsel confirmed that no appeal brief or evidence has been filed in support of the appeal.

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 has not specifically identified any erroneous conclusion of law or statement of fact in the decision. Accordingly, the appeal must be summarily dismissed.

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