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U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



Public Copy

File: SRC 98 212 51850

Office: Texas Service Center

Date:

JUN 8 2001

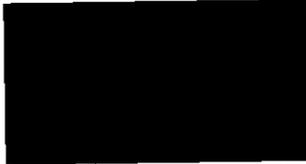
IN RE: Petitioner:

Beneficiary:



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)

IN BEHALF OF PETITIONER:



Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Texas Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner seeks to employ the beneficiary as a "trainer/ [REDACTED] for an indefinite period. The director determined the petitioner had not established that the offered position qualifies as a specialty occupation.

On appeal, counsel states that petitioner disagrees with the decision made by the director because it is contrary to law and erroneous. Counsel further states that based on all of the evidence submitted, the petition should have been approved. On December 14, 1998, counsel indicated that he needed 60 days to submit a brief and/or evidence; however, as of this date, no additional evidence has been received for inclusion in the record.

Counsel has not stated a basis for the appeal and no further evidence has been received on appeal. Counsel merely expresses disagreement with the decision of the director. It is noted that the regulations at 8 C.F.R. 103.3(a)(1)(v) provide for summary dismissal of an appeal when the appellant fails to identify any erroneous conclusion of law or statement of fact for the appeal.

There is a final issue in this proceeding. [REDACTED] 18 I&N Dec. 96 (Reg. Comm. 1981), found a beneficiary who has been offered a position for an indefinite period with no specified termination date has not been offered a temporary position and does not qualify for nonimmigrant classification pursuant to section 101(a)(15)(H)(i) of the Act. The beneficiary has been offered a position for an indefinite period with no specified termination date. As such, he is ineligible for the nonimmigrant classification sought.

ORDER: The appeal is summarily dismissed.