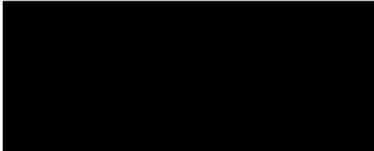




U.S. Department of Justice
Immigration and Naturalization Service

D2

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



Public Copy

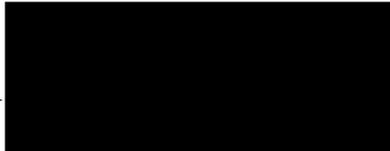
File: LIN 99 085 52362 Office: Nebraska Service Center Date: MAR - 8 2001

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:



Identification data deleted to prevent clearly unwarranted invasion of personal privacy.

INSTRUCTIONS:

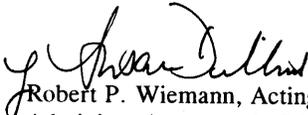
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

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, Nebraska Service Center, and is now before the Associate Commissioner, Examinations, on appeal. The appeal will be dismissed.

The petitioner seeks to employ the beneficiary as a distribution center specialist for three years. The director determined the petitioner had not established that the offered position is a specialty occupation or that the beneficiary's degree and experience are of any relevance to the offered position.

On appeal, counsel states that "INS already made a positive and affirmative decision as to "specialty occupation" re the beneficiary's job offered." Counsel further states that "The beneficiary has enough experience in the area so that his major in university should not be the only consideration on INS's part."

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.

ORDER: The appeal is summarily dismissed.