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FILE: WAC 02 073 51266 Office: CALIFORNIA SERVICE CENTER Date: APR 14 2004

IN RE: Petitioner:
Beneficiary:



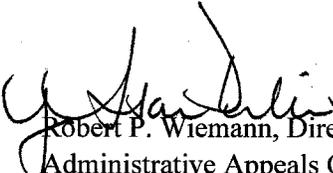
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:

SELF REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents 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 and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner operates a multi-family real estate development. It seeks to employ the beneficiary as an administrative/marketing professional, and endeavors 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 (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The director determined that the petitioner failed to provide a certified labor condition (LCA) application as required by applicable law, and further failed to provide requested evidence concerning the duties of the offered position. Accordingly, the petition was denied.

On appeal, the petitioner submits an expired labor condition application, and unrelated information. The I-129 petition was filed on December 26, 2001, seeking the beneficiary's employment from October 30, 2001 until October 30, 2002. The labor condition application submitted on appeal covers an employment period of November 2, 1998 until October 30, 2001, predating the filing of the I-129 petition. The petitioner does not otherwise address the director's decision to deny the I-129 petition for failure to file a certified labor condition application.

The petitioner does not identify any erroneous conclusion of law or statement of fact concerning the director's finding that the I-129 petition should be denied for failure to submit an approved labor condition application, nor does it indicate that an approved LCA was ever obtained. As such, the appeal must be summarily dismissed pursuant to the above cited regulation.

ORDER: The appeal is dismissed.