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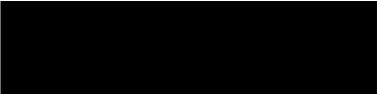
U.S. Citizenship
and Immigration
Services



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FILE: EAC 02 034 54907 Office: VERMONT SERVICE CENTER

Date: **AUG 03 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:



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.

Mari Johnson

 Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center. The director's decision was then appealed to the Administrative Appeals Office (AAO). That appeal was dismissed by the AAO. The matter is now before the AAO on a motion to reconsider pursuant to 8 C.F.R. § 103.5. The motion will be dismissed. The previous decision of the AAO will be affirmed.

The petitioner is an import, export, and trade business, and seeks to employ the beneficiary as a production coordinator. It endeavors to classify him 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). The director denied the petition on the ground that the proffered position was not a specialty occupation. The AAO thereafter dismissed the petitioner's appeal on the same ground.

A motion to reconsider must: (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or CIS policy; and (2) establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

The motion to reconsider states the reasons for reconsideration, but is not supported by pertinent precedent decisions to establish that the decision was based on an incorrect application of law or CIS policy. Furthermore, the motion does not establish that the prior decision was incorrect based on the evidence of record at the time of the initial decision. The motion to reconsider shall accordingly be dismissed.

ORDER: The motion is dismissed. The previous decision of the AAO dated March 25, 2003 is affirmed.