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20 Mass, Rm. A3042, 425 I Street, N.W.  
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**U.S. Citizenship  
and Immigration  
Services**



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FILE: WAC 02 175 52872 Office: CALIFORNIA SERVICE CENTER

Date: JUN 02 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*

for 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 nursing facility for developmentally disabled adults. It seeks to employ the beneficiary as a mechanical engineer, and 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).

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 proffered position was not a specialty occupation. Accordingly, the petition was denied.

On appeal, counsel simply states that CIS erred in its findings and refers to a statement from the director's decision indicating that the duties of the offered position were not specific in nature, and failed to describe the high level engineering skills required to perform the duties of the position. Counsel does not state how the director erred or provide any additional information about the basis of the appeal. Counsel does state that a brief and/or additional evidence would be filed within 30 days. To date, however, neither a brief nor additional evidence has been filed and the record is deemed complete. The petitioner has not identified any erroneous conclusion of law or statement of fact upon which the appeal is based. The appellant must do more than simply ask for an appeal. It must clearly demonstrate the basis for the appeal. This, the appellant has failed to do. As such, the appeal must be dismissed.

**ORDER:** The appeal is dismissed.