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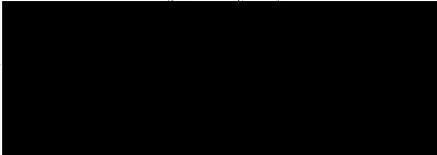
FILE: LIN 02 098 54716 Office: NEBRASKA SERVICE CENTER Date:

IN RE: Petitioner:  
Beneficiary:



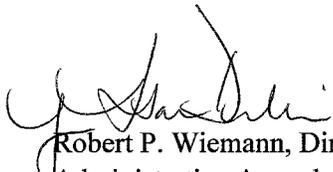
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the  
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

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.

  
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 restaurant. It seeks to employ the beneficiary as its general manager, 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 proffered position was not a specialty occupation. Accordingly, the petition was denied.

On appeal, counsel indicates that he will file a brief and/or additional evidence with the AAO within 30 days of filing the Notice of Appeal. To date, no brief or additional evidence has been received. The record is, therefore, deemed complete. The only basis given for the appeal is a brief statement by counsel on Form 1-290B. Counsel simply indicates that the proffered position should be considered a specialty occupation according to the U.S. Department of Labor's *Occupational Outlook Handbook (Handbook)* because the beneficiary qualifies as a "top executive." Counsel did not specifically identify any erroneous conclusion of law or statement of fact upon which the appeal is based. An appellant must do more than simply ask for an appeal. He 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.