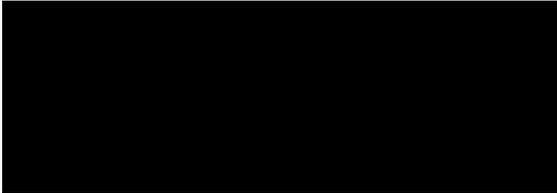


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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: JUL 07 2005

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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 materials 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. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed. The petition will be denied.

The attorney whom the petitioner retained as counsel for this petition has been suspended from the practice of law and therefore is not authorized to represent the petitioner before Citizenship and Immigration Services. The Form I-290B and associated documents submitted on appeal, however, have been considered by the AAO.

The petitioner is a restaurant group. It seeks to employ the beneficiary as director of operations and 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition on the ground that the record failed to establish that the proffered position qualifies as a specialty occupation.

On appeal the petitioner states as follows: "Position clearly qualifies. Appears to be a training issue. Please review and approve." In support of the appeal a new academic equivalency evaluation has been submitted for the beneficiary, asserting that her foreign degrees are equivalent to U.S. baccalaureate and master's degrees in hospitality management, as well as photocopies of documentation already in the record. The academic equivalency evaluation addresses the issue of whether the beneficiary is qualified to perform the services of a specialty occupation. It does not address the issue of whether the proffered position is itself a specialty occupation, which was the deciding issue in the director's decision. The appeal does not mention the specialty occupation issue, and no additional documentation has been submitted on this issue.

As specified in 8 C.F.R. § 103.3(a)(1)(v), "[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal." The petitioner has not specifically identified any erroneous conclusion of law or statement of fact in the decision. Accordingly, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed. The petition is denied.