

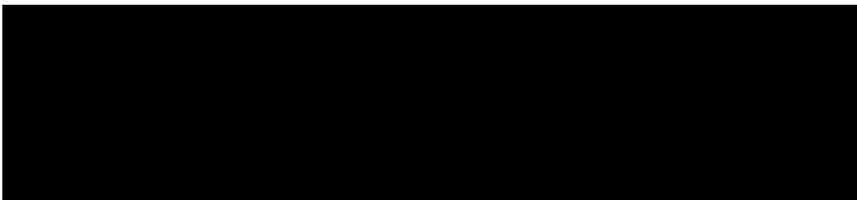
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U.S. Department of Homeland Security
20 Massachusetts Ave. NW, Rm. 3000
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FILE: WAC 04 257 53376 Office: CALIFORNIA SERVICE CENTER Date: **NOV 29 2006**

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:
[Redacted]

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.

for *Michael T. Kelly*
Robert P. Wiemann, Chief
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 petitioner is a distributor of low carbohydrate baked goods. It seeks to employ the beneficiary as a legal advisor and 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition on two grounds: (1) the petitioner does not have an Internal Revenue Service tax identification number, which means that he does not meet the definition of a United States employer and cannot self-petition under the H-1B nonimmigrant visa classification; and (2) the record fails to establish that the proffered position qualifies as a specialty occupation.

On the appeal form counsel states as follows: "The decision appealed from is incorrect, both on the law and on the facts, in alleging that: (1) The beneficiary self-petitioned; (2) The position offered to the Beneficiary is not a specialty occupation; (3) The Beneficiary is ineligible for classification as an alien to be employed in a specialty occupation. Additional incorrect allegations will be detailed in the brief that will follow within 30 days." No brief was submitted in the next 30 days, however, or at any time thereafter. Nor has any additional evidence been submitted in support of the appeal. Thus, the petitioner has not addressed the substance of the director's decision.

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." Despite broad assertions of error in the director's decision, the petitioner has not specifically identified any erroneous conclusion of law or statement of fact in the decision. Accordingly, the appeal will be summarily dismissed.

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