



U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



File: WAC 00 007 50267 Office: California Service Center

Date: FEB 27 2001

IN RE: Petitioner:
Beneficiary:



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

IN BEHALF OF PETITIONER: Self-represented

PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Weimann, Acting Director
Administrative Appeals Office

identification data deleted to
prevent clearly unwarranted
disclosure of personal privacy

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The petitioner is a produce grower and shipper. It seeks classification of the beneficiary as an assistant helper in the irrigation department for a period of six months. The director determined that the petitioner's training program deals in generalities with no fixed schedule, objectives or means of evaluation. The director also determined that the petitioner does not have the physical premises and enough sufficiently trained manpower to provide the training specified. The director decided that the petitioner has not demonstrated that the proposed training is not available in the beneficiary's own country. The director also decided that the beneficiary already possessed substantial training and expertise in the proposed field of training. Finally, the director determined that the training program is designed to recruit and train aliens for the ultimate staffing of domestic operations in the United States.

8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

An 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.

On the Notice of Appeal to the Administrative Appeals Unit (Form I-290B), the petitioner states "we need a few more days to complete the entire course study and pertinent information to insure that we comply with your stated requirements." The petitioner also indicated that he was submitting a separate brief or evidence within 30 days. Careful review of the record reveals no subsequent submission; all other documentation in the file predates the issuance of the notice of decision.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.