



U.S. Department of Justice

Immigration and Naturalization Service

DS

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



Public Copy

File: WAC 00 019 52267 Office: California Service Center Date:

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

FEB 28 2001

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: [Redacted]

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 card used to
prevent clearly unwaranted
invasion 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 engages in cosmetic dentistry. It seeks classification of the beneficiary as a trainee for a period of 18 months. The director determined that the beneficiary already possessed substantial training and expertise in the proposed field of training. The director also determined that the petitioner has not demonstrated that the proposed training is not available in the beneficiary's own country.

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), counsel states that the beneficiary merits classification as an H-3 trainee and that the director erred in its determination. Counsel also states that the beneficiary does not have training in the sub-specialty dental field of cosmetic and restorative dentistry nor is such training available in the beneficiary's home country. Counsel 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 record 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.