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U.S. Citizenship
and Immigration
Services

FILE: WAC 06 200 51314 Office: CALIFORNIA SERVICE CENTER Date: OCT 04 2006

IN RE: Petitioner:
Beneficiaries:



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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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.

A handwritten signature in black ink, appearing to read "R. Wiemann", written over a horizontal line.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is an entertainment agent who seeks to classify the beneficiaries under section 101(a)(15)(P)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(i), as musicians in a band for a period of one year. The director denied the petitioner finding that the petitioner failed to establish the beneficiaries' eligibility for the requested classification.

The petitioner filed a timely appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[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.”

On the Form I-290B, Notice of Appeal to the Administrative Appeals Office (AAO), the petitioner did not provide any reason for the appeal. Further, although the petitioner claimed that a brief and/or evidence would be submitted to the AAO within 30 days, to date, nearly three months later, no further submission has been received.

As the petitioner does not claim that any of the director's findings are incorrect or based on an erroneous conclusion of law or fact, the petitioner has failed to overcome the specific findings of the director. In the absence of any allegation detailing specific errors of fact or law made by the director, we cannot find that the petitioner's submission qualifies as a substantive appeal.

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 regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.