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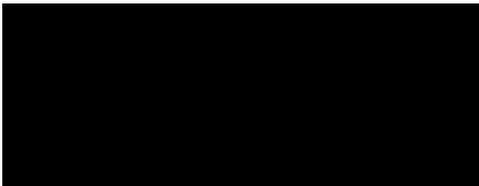
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FILE: EAC 03 200 53174 Office: VERMONT SERVICE CENTER Date: JUN 28 2005

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:



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 F. Kelly*  
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 petitioner is a construction company. It seeks to employ the beneficiary as an agronomist for the landscaping operations associated with its construction projects 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 the ground that the record failed to establish that the proffered position qualifies as a specialty occupation.

In a letter accompanying the appeal counsel requested additional time to submit a brief documenting its need for an agronomist, including evidence of the outsourced landscaping costs of previous projects to demonstrate the economy of hiring an in-house agronomist. On the appeal form, filed December 20, 2003 after initially being returned to counsel for lack of a proper signature, counsel indicated that a brief and/or evidence would be submitted to the AAO within 60 days. No such brief or evidence was filed in the next 60 days, however, or at any time up to the date of the instant 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.” Aside from broad assertions that the director misunderstood the nature of the proffered position, 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.