

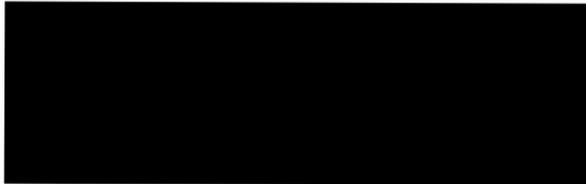
**PUBLIC COPY**

**Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**



**U.S. Citizenship  
and Immigration  
Services**

81



FILE: SRC 04 233 51855 Office: TEXAS SERVICE CENTER Date: JUL 28 2006

IN RE: Petitioner:  
Beneficiary:



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:

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.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the nonimmigrant visa petition. The matter is now before the AAO. The appeal will be summarily dismissed.

The petitioner is a law firm. It seeks to employ the beneficiary as an administrative and client relations manager. Accordingly the petitioner endeavors to classify the beneficiary as a nonimmigrant pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The Form I-290B, Notice of Appeal, indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. Careful review of the record reveals no subsequent submission of a brief or evidence; all of the petitioner's documentation in the record predates the issuance of the notice of decision.

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. 8 C.F.R. § 103.3(a)(1)(v).

Counsel's statement on the Form I-290B reads:

It is believed that the offered position meets the requirements of 8 CFR. 214.2(h)(4)(iii)(D); 8 CFR. § 214.2(h)(4)(iii)(A); 8 CFR § 214.2(h)(4)(iii)(C), 8 CFR § 214.2(h)(4)(ii); 8 CFR § 214.2(h)(4)(iii)(C)(4) [sic]. It is also believed that the beneficiary meets the requirements of the offered position. It is only from industry practices that we can discern what obtains [sic] in the industry and since all participants do not have identical needs, it is unlikely to achieve the identical positions and requirements that this denial calls for. It is not usual, if not almost impossible, to find two different organizations (not in collaborative relationship or copying or emulating each other) who will have identical requirements for identical position[s]. Even in such circumstances, it is still unrealistic to achieve identical situations.

The unsupported assertions of counsel do not constitute evidence. *Matter of Obaighbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). Counsel does not address the director's findings or determinations regarding the deficiency of the evidence submitted. Counsel does not offer evidence or argument on appeal contrary to the director's determination. Counsel's statement on appeal is insufficient to identify a specific error in law or fact as a basis for the appeal. Counsel does not address any of the director's findings or determinations regarding the evidence submitted. As such the appeal is summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

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