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U.S. Citizenship
and Immigration
Services



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FILE: SRC 03 036 50931 Office: TEXAS SERVICE CENTER Date:

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.

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 an audio postproduction company specializing in the foreign language dubbing and subtitling of movies, television and corporate programming. It seeks to employ the beneficiary as a technical translator and to extend his classification 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 particular, that it requires a baccalaureate degree in a specific specialty.

On appeal the petitioner asserts that the proffered position is a specialty occupation, requiring the theoretical and practical application of a body of highly specialized knowledge and a bachelor's degree or its equivalent in the specialty, because the work involves not only ordinary TV and movie audio translations, but also technical translations such as medical and environmental manuals. The petitioner had not previously claimed that the proffered position involved technical translations. In the petition the proffered position was described as "writing subtitles and captions for movies and TV productions." In a subsequent response to the director's request for additional evidence the petitioner described in greater detail the duties listed in the petition, but did not expand upon them. The additional duties described in the appeal represent an expansion of the duties originally identified for the translator position. A petitioner may not make material changes to its petition in an effort to make a deficient petition conform to legal requirements. *See Matter of Izummi*, 22 I&N Dec. 169 (Assoc. Comm. 1998). "The AAO cannot consider facts that come into being only subsequently to the filing of the petition." *Id.* at 176. Accordingly, the new information and supporting documentation submitted on appeal to show that the duties of the proffered position are broader and more specialized than originally claimed, cannot be considered by the AAO in adjudicating the appeal.

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." The petitioner has not specifically identified any erroneous conclusion of law or statement of fact in the director's decision. Accordingly, the instant appeal must be summarily dismissed.

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