



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE:

OCT 23 2014

OFFICE: VERMONT SERVICE CENTER

FILE:

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:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg

Chief, Administrative Appeals Office

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**DISCUSSION:** The service center director denied the instant nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

On the Form I-129 visa petition, the petitioner describes itself as a "Software and Network solutions" firm. In order to continue to employ the beneficiary in what it designates as a "Computer Programmer Analyst" position, the petitioner seeks to classify the beneficiary 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, finding that the petitioner had failed to establish that it would employ the beneficiary in a specialty occupation.

On March 21, 2014, counsel submitted a Form I-290B (Notice of Appeal or Motion), without a brief or evidence. Although the petitioner's counsel checked box 1b at Part 3 of the Form I-290B, indicating that a brief and/or evidence would be submitted within 30 days, we have not received neither. Accordingly, the record of proceeding is deemed complete as currently constituted.

The appeal submitted contains no specific assignment of error. The petitioner's counsel failed to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. As neither the petitioner nor counsel presents additional evidence or argument on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

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