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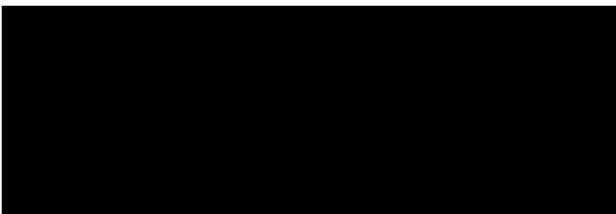
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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

A2



FILE: WAC 08 062 51699 Office: CALIFORNIA SERVICE CENTER Date: APR 06 2010

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: 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

On the Form I-129 petition, the petitioner describes itself as a software development and services company. In order to employ the beneficiary as a programmer/analyst, the petitioner seeks to transfer and to extend the beneficiary's 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 basis that approval of the petition would authorize the beneficiary to remain in the United States beyond the six-year limitation for H-1B visa beneficiaries imposed by section 214(g)(4) of the Act and 8 C.F.R. § 214.2(h)(13)(iii), and that no exception was applicable.

The petitioner submitted a Form I-290B appeal in this matter. In the section reserved for the reason for filing the appeal, the petitioner inserted, "The clear meaning of AC21 provides a 1[-]year extension if beneficiary has an approved labor certification." The petitioner also checked a box to indicate that a brief or additional evidence would be submitted within 30 days. No additional evidence or argument was submitted, either with the appeal or subsequently.

The petitioner's statement on appeal contains no specific assignment of error. Alleging, directly or indirectly, that the director erred in some unspecified way, without reference to any specific error of fact or law, is an insufficient basis for an appeal. Here, the petitioner claimed that the "American Competitiveness in the Twenty-First Century Act (AC21) either permits or requires USCIS to authorize an additional one-year extension in this case, if the beneficiary has an approved labor certification.

The director found, however, that the labor certification filed on behalf of the beneficiary had since expired and was no longer valid. On appeal, the petitioner did not contest this finding or otherwise claim that the director erred in this determination with regard to the submitted labor certification. As such, the petitioner has failed to identify specifically how the director erred in denying the instant petition.

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

The petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal and, therefore, the appeal must be summarily dismissed.

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ORDER: The appeal is summarily dismissed.