

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

U. S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W. MS 2090
Washington, DC 20529-2090



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



82

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: MAR 02 2011

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:

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 law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the instant 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 visa petition, the petitioner stated that it is an information technology firm. In order to employ the beneficiary in what it designates as a software engineer 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 on the grounds that the petitioner had made an impermissible material change to the petition after its filing; had failed to provide evidence requested by the director that was relevant and material to the issue of whether it was the petitioner's practice to satisfy its wage obligations to its H-1B workers; and had provided evidence that suggests that the petitioner had failed to fulfill its wage obligations to two of its H-1B workers.

Counsel submitted a Form I-290B appeal in this matter on October 20, 2009. In the section reserved for the reason for filing the appeal, counsel inserted:

Case was denied because USCIS claimed beneficiary's duties were changed in the RFE response. Beneficiary's work location was changed, not the duties. Additionally we most respectfully request time to submit a response to the CIS's allegation that there were discrepancies in the employer's record. The Human Resources Manager is new and we would need to review the record to determine why discrepancies exist between the USCIS & the employer's record. We will submit additional evidence within 30 days.

Counsel also checked Box B in Part 2 of Form I-290B to indicate that a brief or additional evidence, or both, would be submitted within 30 days. No brief or evidence was submitted to the AAO, either with the form appeal or subsequently.

Counsel's statement on appeal does not address all of the bases for the decision of denial, and it contains no assignment of where, specifically, the director's statements of fact were incorrect or in what respect her conclusions of law were erroneous. Alleging, directly or indirectly, that the director erred in some broad or unspecified way is an insufficient basis for an appeal.

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."

Counsel 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.

ORDER: The appeal is summarily dismissed.