



U.S. Citizenship
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Services

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Date: **APR 05 2012**

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 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,

Michael T. Kelly
Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the instant nonimmigrant visa petition. Pursuant to a motion, the director reopened the visa petition, then denied it again. 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 a music school. In order to employ the beneficiary in what it designates as a music and piano teacher 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 basis that the petitioner had failed to establish that the proffered position qualifies as a position in a specialty occupation. The director further found that the beneficiary had been in H or L nonimmigrant status for the maximum six years and did not otherwise qualify for an extension of her visa status. The director denied the visa petition on this additional basis.

On appeal, counsel submitted a Form I-290B. In the section reserved for the reason for filing the appeal, counsel inserted, "See Attached." Other than a Form G-28, Notice of Entry of Appearance and a check in the requisite amount, the only submission that accompanied that form appeal is a letter, dated December 30, 2010. The body of that letter stated, in its entirety:

Enclosed please find the Form I-290B Notice of Appeal for the above[-]captioned case. Also enclosed please find a Form G-28 and a Check for the filing fee.

There are two grounds for appeal in this case; the first is that [USCIS] is incorrect in its determination that the position offered is not a Specialty Occupation[.] Secondly, [USCIS] is incorrect in its determination that the beneficiary is ineligible for an extension of stay beyond the 6[-]year limitation under section 106 of AC21.

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 to the AAO within 30 days. As of this date, however, the AAO has not received any additional evidence into the record. Therefore, the record is considered complete as currently constituted.

Counsel's statement on appeal contains no specific assignment of error. Alleging, directly or indirectly, that the director erred in some broad or unspecified way is an insufficient basis for an appeal.

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 fails 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 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.