

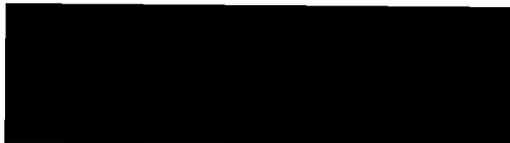
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**U.S. Department of Homeland Security**  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



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

**PUBLIC COPY**



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Date: MAR 05 2012

Office: CALIFORNIA 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)

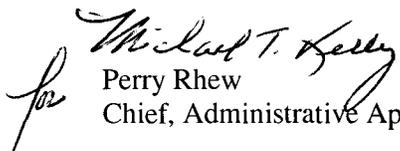
ON BEHALF OF PETITIONER:



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  
Chief, 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 petitioner submitted a Petition for Nonimmigrant Worker (Form I-129) to the California Service Center on October 29, 2009. The petitioner stated on the Form I-129 that it is an information technology (IT) software development and consulting company, established in 2005, with five employees and no gross annual income and no net annual income.

In order to employ the beneficiary in what it designates as a systems analysis programmer 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 failed to establish that it is qualified to file an H-1B petition, that is, as either a United States employer or a U.S. agent, in accordance with the applicable regulations.

Counsel submitted a Form I-290B appeal in this matter. Counsel checked Box A in Part 2 of the Form I-290B to indicate that he was filing an appeal and that his brief and/or additional evidence were attached. The body of the appeal reads, in its entirety:

On February 4, 2010, USCIS denied the I-129 Petition for Nonimmigrant Worker and determined that the Petitioner, [name of petitioner], did not establish that it qualifies as United States employer or agent. In addition, USCIS has determined that the Petitioner has not demonstrated that a specialty occupation exists for the Beneficiary.

In support of this appeal, the Petitioner has provided copies of revised supporting documents that will clearly show that the Beneficiary will be employed in a position which qualifies as a specialty occupation. Such documents include [a] copy of the signed Confidentiality Agreement, Employment Acknowledgement Letter, Agreement [between the] Petitioner and the end client, and Work Purchase order.

This letter and supporting documents clearly establish that there is a work assignment available for the Beneficiary which does qualify as a specialty occupation.

At this time Petitioner requests that this case be reconsidered given the circumstance and supporting evidence provided herein. Please accept this adequate evidence.

We are more than happy to answer all of your questions and provide any other information you may need.

Counsel also submitted a brief with the Form I-290B. The brief states, in pertinent part, the following:

Please find enclosed a completed I-290B, Notice of Appeal or Motion and all of its supporting documents.

Petitioner has worked diligently to obtain the additional supporting documents. The Petitioner respectfully requests that this case be reevaluated and the Notice of Appeal be considered after the review of the Notice of Appeal and support documents.

Counsel's statements on appeal contain no specific assignment of error. 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.