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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

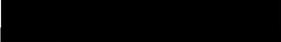
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Date: **MAY 03 2012**

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)

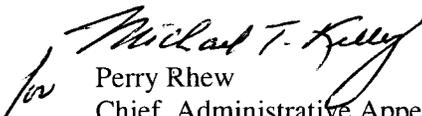
ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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,


for 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 December 31, 2009. The petitioner described itself on the Form I-129 as a non-profit research organization with fourteen employees.

In order to employ the beneficiary in what it designates as a research informatics 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 petition failed to comply with the applicable statutory and regulatory provisions regarding establishing a position as a specialty occupation, in that, as reflected in the petition's material inconsistencies noted in the director's decision, the Form I-129 and the documents filed with it failed to establish that, at the time of the petition's filing, the petitioner had secured any work, let alone specialty occupation work, for the beneficiary at the location specified in the Form I-129 (i.e., the petitioner's address in Miami, Florida).

On July 16, 2010, the petitioner submitted a Notice of Appeal or Motion (Form I-290B) and checked Box B in Part 2 of the form to indicate that it was filing an appeal and would send a brief and/or additional evidence within 30 days.

With the Form I-290B appeal, the petitioner submitted a statement. The petitioner stated, in pertinent part, the following:

Upon filing of this application and after reading the instructions associated with filling out the form as well as analyzing the six (6) [Basis for Classification] options [at Part 2, Item 2, of the Form I-129], the undersigned checked "continuation of previously approved employment without change with the same employer". In checking this item, there was no intent of misrepresenting actual work conditions on our company's part, as we truthfully presented the work conditions being offered to the beneficiary. What was critical was she was to work performing identical functions as filed when this beneficiary started to work for the research center two years back, with the same company. This was what the undersigned understood in Part 2, Item 2 of Form I-129.

The petitioner's statement on appeal contains no specific assignment of error. Although the petitioner stated that it would send a brief and/or additional evidence, the AAO has received neither. Accordingly, the record of proceeding is deemed complete as currently constituted.

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."

In the instant case, the petitioner has failed to identify 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.