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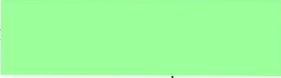


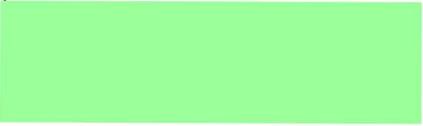
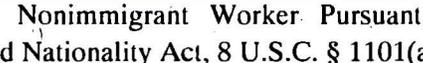
U.S. Citizenship
and Immigration
Services



Date: **FEB 25 2013**

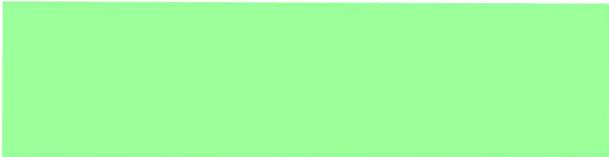
Office: CALIFORNIA SERVICE CENTER

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:



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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The service center director initially approved the instant nonimmigrant visa petition, then subsequently revoked that approval following an administrative site visit. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The Form I-129 visa petition states that the petitioner is a software development and computer consulting firm. In order to employ the beneficiary in what it designates as a programmer 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 revoked approval of the visa petition, finding that the petitioner had failed to establish, in response to a notice of intent to revoke, that it was employing the beneficiary consistently with the terms of the approved visa petition and certified labor condition application.

On August 8, 2012, the counsel submitted a Form I-290B (Notice of Appeal or Motion), without a brief or evidence, to the USCIS Phoenix Lockbox.¹ The only comment that counsel submitted about the appeal is the following statement at Part 3 of the Form I-290B: "Brief will be filed separately."

Although the petitioner's counsel checked box B at section 2 of the Form I-290B, indicating that the petitioner would send a brief and/or additional evidence to the AAO within 30 days, the AAO has received neither. Accordingly, the record of proceeding is deemed complete as currently constituted.

Counsel's statement on appeal contains 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."

The petitioner's counsel failed 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 presented 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.

¹ Counsel previously submitted the appeal directly to the AAO, which rejected it as improperly filed.