



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE: **JAN 28 2013**

OFFICE: VERMONT SERVICE CENTER

FILE: [Redacted]

IN RE: Petitioner:
Beneficiary:

[Redacted]

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:

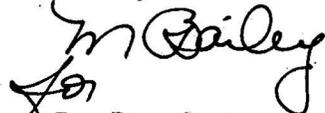
[Redacted]

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 director initially approved the nonimmigrant visa petition. Upon subsequent review of the record, the director issued a notice of intent to revoke (NOIR) the approval of the petition, and ultimately did revoke the approval of the 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 Vermont Service Center on October 6, 2009. In the Form I-129 visa petition, the petitioner describes itself as a diagnostic medical laboratory established in 1998. The petition was initially granted.

Thereafter, a site visit was conducted. The director reviewed the site visit report and issued a NOIR. The NOIR contained a detailed statement regarding the new information that USCIS had obtained and notified the petitioner that it was afforded an opportunity to submit evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval of the petition. The petitioner and its counsel responded to the NOIR on December 23, 2010. Thereafter, the director reviewed the evidence submitted but determined that it did not overcome the grounds for revocation. On January 20, 2012, the director revoked the approval of the petition.

On February 22, 2012, counsel for 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 he was filing an appeal and would send a brief and/or additional evidence within 30 days.

The only comment that counsel submits about the appeal is the following statement at Part 3 of the Form I-290B:

We will be submitting our brief and additional supporting evidence to the AAO within thirty (30) days of filing this appeal.

The AAO fully and in-detail reviewed the submission, including the Form I-290B and counsel's written statement. However, counsel failed to identify any specific assignment of error. Moreover, although counsel stated that he would send a brief and/or evidence, the AAO has not received the submission. 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 and counsel have 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.

Furthermore, a review of U.S. Citizenship and Immigration Services (USCIS) records indicates that this beneficiary is also the beneficiary of an approved immigrant petition and has adjusted status to that of a permanent resident as of November 17, 2010. Because the beneficiary in the instant petition is presently a permanent resident, further pursuit of the matter at hand is moot.

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ORDER: The appeal is summarily dismissed. The petition is denied.