

(b)(6)



U.S. Citizenship
and Immigration
Services

DATE: JUL 30 2013 OFFICE: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]

Beneficiary: [REDACTED]

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

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition. The petitioner filed a motion to reconsider that decision, which the director dismissed. 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 describes itself as a public charter school established in 1999. In order to employ the beneficiary in what it designates as a Turkish language teacher position, the petitioner seeks to classify her as a nonimmigrant worker in a specialty occupation pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The petitioner submitted the Form I-290B, Notice of Appeal or Motion, and marked box "B" at section two of the form to indicate that a brief and/or additional evidence would be sent to the AAO within 30 days. The AAO fully and in-detail reviewed the Form I-290B and the petitioner's cover letter in support of the appeal. Notably, the AAO did not receive a brief and/or additional evidence within the allotted timeframe (or thereafter). Accordingly, the record of proceeding is deemed complete as currently constituted.

The petitioner provided the following declaration at Part 3 of the Form I-290B: "Additional evidence will be submitted to the AAO within 30 days." The AAO notes that the petitioner's statement contains no specific assignment of error. Furthermore, an offer to provide further information in the future is an insufficient basis for an appeal.¹

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 (emphasis added)." In the instant case, the petitioner failed to identify an erroneous conclusion of law or a statement of fact by the director as a basis for the appeal and, therefore, the appeal must be summarily dismissed.²

ORDER: The appeal is summarily dismissed.

¹ The AAO notes that a petitioner must establish eligibility at the time of filing the nonimmigrant visa petition. 8 C.F.R. § 103.2(b)(1).

² As the appeal is summarily dismissed, the AAO will not discuss any additional deficiencies it observes in the record of proceeding.