



U.S. Citizenship  
and Immigration  
Services

(b)(6)

Date: **MAY 17 2013** Office: VERMONT 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 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 denied the instant nonimmigrant visa petition, and 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 an "Employment Registry / Research Facility." In order to employ the beneficiary in what it designates as a Research Analyst 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The director denied the petition on two independent grounds, namely, that the petitioner had failed to establish that (1) the proffered position qualifies as a position in a specialty occupation, and (2) the LCA corresponds to the visa petition. The director also noted that the petitioner had made a material change to the job description in response to a request for evidence.

On February 11, 2011, the petitioner submitted a Form I-290B (Notice of Appeal or Motion), without a brief or evidence. The only comment that the petitioner made pertinent to the appeal is the following statement at Part 3 of the Form I-290B:

Dear Sir/Madam,

There is a present issue pertaining to the job description which the USCIS described to be unskilled, hence this petition's disapproval. Our office will submit evidence to prove that the job is skilled. This information will be submitted within 30 days.

[President]

The petitioner's president also checked box B in Part 2 of the Form I-290B, indicating that the petitioner would send a brief and/or evidence within 30 days. However, the AAO has received neither. Accordingly, the record of proceeding is deemed complete as currently constituted.

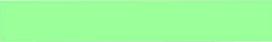
The petitioner's statement on appeal contains no specific assignment of error. Alleging, directly or indirectly, that the director erred in some broad or unspecified way is an insufficient basis for an appeal.<sup>1</sup>

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 failed to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. As the petitioner presented no additional evidence on appeal to overcome

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<sup>1</sup> The AAO observes that, in any event, the decision of denial did not hinge on the distinction between skilled and unskilled workers.



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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.