

(b)(6)



U.S. Citizenship
and Immigration
Services

DATE: AUG 22 2014

OFFICE: VERMONT SERVICE CENTER

FILE: [REDACTED]

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 (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,

Ron Rosenberg

Chief, Administrative Appeals Office

DISCUSSION: The Director of the Vermont Service Center denied the nonimmigrant visa petition, and the matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner states that it is an enterprise engaged in auto sales and manufacturing support, and that it seeks to employ the beneficiary as a manager. Accordingly, the petitioner endeavors 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 (the Act), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The director denied the petition, finding that the petitioner failed to establish that the proffered position was a specialty occupation.

The petitioner's counsel submitted a Notice of Appeal or Motion (Form I-290B). Counsel for the petitioner checked Box B in Part 2 of the form to indicate that he was filing an appeal and that a brief and/or additional evidence would be submitted to the AAO within 30 days. In Part 3 of the Form I-290B, counsel provided the following statement:

We believe based on the preponderance of the evidence the Service erroneously interpreted the terms "specialty Occupation" and ["Body of highly specialized knowledge" by applying the wrong legal standard.

No additional statement regarding the reason for the appeal was provided. To date, we have not received a brief and/or additional evidence. 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 its counsel failed to identify specifically any erroneous conclusion of law or statement of fact by the director as a basis for the appeal and, therefore, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.