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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

[Redacted]

DATE: **MAY 12 2014**

OFFICE: VERMONT SERVICE CENTER

FILE: [Redacted]

IN RE:

Petitioner:

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:

[Redacted]

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 service center director denied the nonimmigrant visa 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 a Nonimmigrant Worker (Form I-129) to the Vermont Service Center. On the Form I-129 visa petition, the petitioner describes itself as an enterprise engaged in technology and business consulting that was established in 2011. In order to employ the beneficiary in what it designates as a systems analyst position, the petitioner seeks to classify him 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, finding that the petitioner failed to establish eligibility for the benefit sought in accordance with the applicable statutory and regulatory provisions. Thereafter, counsel for the petitioner submitted a Notice of Appeal or Motion (Form I-290B). Counsel checked Box B in Part 3(1) of the form to indicate that the petitioner was filing an appeal and that a brief and/or additional evidence would be submitted to the AAO within 30 days.

Along with the Form I-290B, counsel submitted an addendum stating the following.

The H-1B Petition for Nonimmigrant worker was erroneously denied. Specifically, USCIS contends that the evidence of record does not establish that the Beneficiary is qualified to perform services in a specialty occupation pursuant to INA section 101(a)(15)(H)(i)(b). However, the Beneficiary is indeed qualified to perform services in the specialty occupation of a Systems Analyst based on his Bachelor's degree in Industrial Engineering combined with his progressive work experience in the IT field.

No additional statement regarding the reason for the appeal was provided. Along with the Form I-290B, counsel submitted a copy of the director's decision, and a cover letter indicating that a brief would be submitted to the AAO within 30 days. To date, the AAO has not received the submission referenced by counsel. 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 has failed to identify *specifically* any 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.

ORDER: The appeal is summarily dismissed.