



U.S. Citizenship  
and Immigration  
Services

(b)(6)



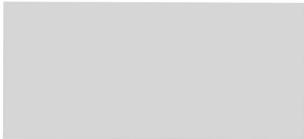
DATE: **MAY 15 2015**

FILE #: 

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:

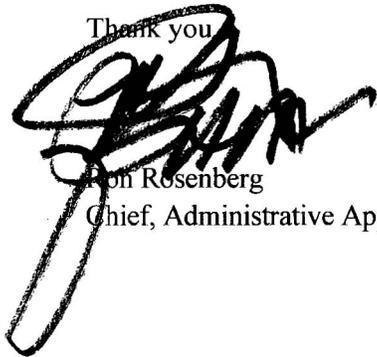


INSTRUCTIONS:

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you



Jon Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center denied the instant nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

On the Petition for a Nonimmigrant Worker (Form I-129), the petitioner describes itself as a "Pharmacy and Pharmaceutical Store" with five employees. In order to employ the beneficiary in what it designates as a "Software Developer" position, the petitioner seeks 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, 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The Director denied the petition, finding that the evidence of record does not establish that the petitioner would employ the beneficiary in a specialty occupation and does not establish that the beneficiary is qualified to work in a specialty occupation position.

On September 11, 2014, the petitioner submitted a Notice of Appeal or Motion (Form I-290B), without a brief or evidence. In a letter dated September 10, 2014, the petitioner's counsel stated the following: "Please note, a brief and supporting evidence will be submitted at a later time."

Although the petitioner's counsel checked box 1b at Part 3 of the Form I-290B, indicating that the petitioner would send a brief and/or evidence within 30 days of filing the appeal, we have received neither. 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."

The letter submitted by the petitioner with the Form I-290B contains no specific assignment of error. 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 did not present additional evidence on appeal to overcome 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.