



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF V-T-S- LTD.

DATE: APR. 21, 2016

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR NONIMMIGRANT WORKER

The Petitioner, a computer services company, seeks to temporarily employ the Beneficiary as a “software engineer” under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The H-1B program allows a U.S. employer to temporarily employ a qualified foreign worker in a position that requires both (a) the theoretical and practical application of a body of highly specialized knowledge and (b) the attainment of a bachelor’s or higher degree in the specific specialty (or its equivalent) as a minimum prerequisite for entry into the position.

The Director, California Service Center, denied the petition. The Director concluded that the Petitioner did not establish that the: (1) Petitioner will have an employer-employee relationship with the Beneficiary; and (2) the proffered position qualifies as a specialty occupation. The matter is now before us on appeal. We will summarily dismiss the appeal.

The Petitioner filed an appeal without a brief or evidence. Although the Petitioner marked Box 1(b) in Part 3 of the Form I-290B, Notice of Appeal or Motion, indicating that a brief and/or additional evidence would be submitted within 30 days, there is no evidence that the record has been supplemented with any additional submissions. Accordingly, the record will be considered complete as presently 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.” As noted, the Petitioner did not provide a brief or additional evidence in support of the appeal despite indicating on the Form I-290B that it intended do so. Moreover, the Petitioner did not provide with its appeal a separate statement regarding the basis of the appeal, as instructed at Part 4 of the Form I-290B.<sup>1</sup> A petitioner filing an appeal is required to provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. Here, the Petitioner has made no reference or objection to the

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<sup>1</sup> The Petitioner submits a cover letter, dated December 1, 2015, with the Form I-290B, which states that the Petitioner will provide a brief and/or additional evidence within 30 days. However, the Petitioner does not identify any erroneous conclusion of law or fact in this letter.

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specific findings set forth in the Director's decision. Therefore, consistent with 8 C.F.R. § 103.3(a)(1)(v), the appeal will be summarily dismissed.<sup>2</sup>

**ORDER:** The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of V-T-S- Ltd.*, ID# 17015 (AAO Apr. 21, 2016)

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<sup>2</sup> As the appeal will be summarily dismissed, we will not discuss any additional deficiencies we observe in the record of proceeding.