U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

D10

PUBLIC COPY

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

[redacted]

FILE: LIN 03 002 51005 Office: NEBRASKA SERVICE CENTER Date: MAR 17 2003

IN RE: Petitioner:
Beneficiary: [redacted]

Petition: Petition for a Nonimmigrant Worker Pursuant to § 101(a)(15)(Q) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(Q)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:
This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 CFR § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of $110 as required under 8 CFR § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner in this matter declares that it is a staffing agency and an international cultural exchange program. The beneficiaries are sixteen Polish nationals. The petitioner indicates that the sixteen beneficiaries will be employed as maintenance personnel in supermarkets in Charlotte, North Carolina.

The director denied the petition, finding that the petitioner failed to establish that the regulatory requirements for an international cultural exchange program have been met and that the employer does not meet the regulatory requirements to establish eligibility as a qualified employer.

On appeal, the petitioner said that it intends to demonstrate that it meets the regulatory requirements by submitting evidence within thirty days of filing the appeal. The petitioner indicated that additional evidence would be filed on or before January 6, 2003. As of this date, however, no additional evidence has been received. The record, therefore, must be considered complete as presently constituted.

Section 101(a)(15)(Q)(i) of the Act, provides classification to a qualified alien:

> having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Attorney General [now the Director, Bureau of Citizenship and Immigration Services] for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions a domestic workers.

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director.

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.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.