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U.S. Department of Homeland Security  
Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
425 Eye Street N.W.  
Washington, D.C. 20536



File: WAC 01 257 62918 Office: California Service Center

Date:

DEC 13 2003

IN RE: Petitioner:  
Beneficiary:



Petition: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

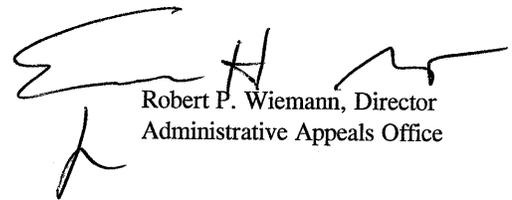
INSTRUCTIONS:

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 C.F.R. § 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 Citizenship and Immigration Services (CIS) 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 C.F.R. § 103.7.

  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The preference visa petition was denied by the Acting Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is an individual U.S. citizen. She seeks to employ the beneficiary permanently in the United States as a housekeeper. The Acting Director determined that the petitioner had not established that she had the ability to pay the proffered wage during 1998, 1999, or 2000. Therefore the Acting Director found that the petitioner had failed to demonstrate the continuing ability to pay the proffered wage beginning on the priority date and denied the petition.

The petitioner submitted a Form I-290B appeal in this matter. In the section reserved for the basis of the appeal, the petitioner inserted, "I have the ability to pay an employee and do not want to lose this petiton, (sic) I am sending a copy of my W-2 form wich (sic) shows only part of my income but will submitt (sic) a complete income tax report showing more income from my business and my husband's busines (sic) on a later date."

With that appeal, the petitioner submitted a 2001 Form W-2 wage and tax statement showing that she was paid \$17,577.56 during that year. No further information, argument, or documentation has been received from the petitioner or from anyone acting on her behalf.

The petitioner's statement on appeal makes no assignment of error. Further, the evidence submitted on appeal does not address the basis for the Acting Director's decision, that is, the apparent inability of the petitioner to have paid the proffered wage during 1998, 1999, and 2000.

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 counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.