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U.S. Department of Homeland Security

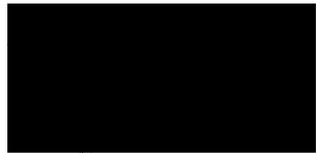
Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE

CIS, AAO, 20 Mass, 3/F

425 I Street, N.W.

Washington, D.C. 20536



File: LIN 01 152 52873 Office: Nebraska Service Center

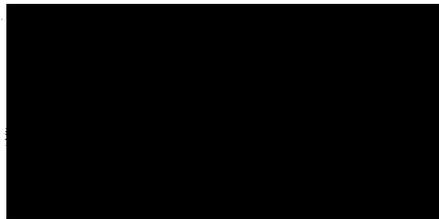
Date: **APR 07 2004**

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:



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.

Robert P. Wiemann, Director
Administrative Appeals Office

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

The petitioner is a designer and manufacturer of ladies' swim wear and dance wear. It seeks to employ the beneficiary permanently in the United States as a dressmaker. The director determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition.

Counsel submitted a Form I-290B appeal in this matter. In the section reserved for the basis of the appeal, counsel inserted,

EXELNT design is a company that has been in business for a number of years. Like any other business, it has periods when its income fluctuates, and business exigencies (sic) require capital to be expended in various fashions for various periods of time. Dilja Gojcevic is a long-term employee of this company, and has been so since she first obtained employment authorization. The company recently purchased another retail outlet. It is perfectly capable of staying in business (sic) and paying all its employees. Dilja Gojcevic is a valued employee and he (sic) company would hate to lose her.

A box checked on that appeal form indicates that counsel intended to submit a brief or additional evidence within 30 days. No further information, argument, or documentation, however, was received.

Counsel's statement on appeal makes no specific assignment of error. Alleging that the director erred in some unspecified way is an insufficient basis for an appeal.

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.

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.