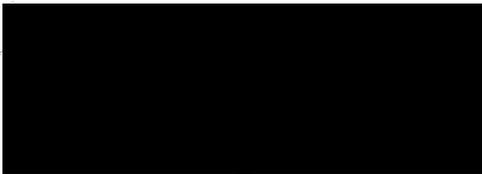




U.S. Citizenship
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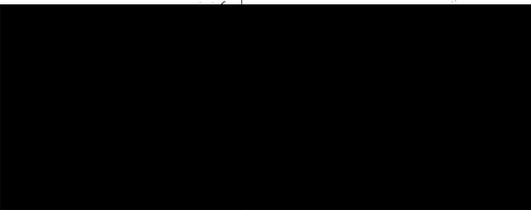


FILE: WAC 02 175 52642 Office: CALIFORNIA SERVICE CENTER Date: OCT 07 2004

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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 of the Administrative Appeals Office 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

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**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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

The petitioner is a convalescent hospital that seeks to employ the beneficiary permanently in the United States as an industrial mechanic. As required by statute, the petition is accompanied by an individual labor certification approved by the Department of Labor. The director determined that the petitioner had not established that it had the continuing financial ability to pay the beneficiary the proffered wage as of the priority date.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that "[a]n 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 petitioner's counsel filed an appeal on October 20, 2003, indicating that a brief/and or evidence would be submitted to the AAO within 30 days. The only assertion on the notice of appeal is that the director erred in finding that the petitioner did not have the ability to pay the proffered wage.

As of this date, no additional evidence or brief has been received to the record.

Counsel has not specifically addressed the reasons for the denial. The bare assertion that the director erred in finding that the petitioner did not have the financial ability to pay the proffered wage does not sufficiently specify an erroneous conclusion of law or factual statement for an appeal. Inasmuch as the petitioner's representative has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.