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



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FILE: WAC 03 049 51166 Office: CALIFORNIA SERVICE CENTER Date: **SEP 30 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 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

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 temporary nurse staffing agency that seeks to employ the beneficiary permanently in the United States as a staff nurse. The petitioner states that the beneficiary qualifies for a blanket labor certification pursuant to 20 C.F.R. § 656.10, Schedule A, Group I. The petitioner submitted the Application for Alien Employment Certification (ETA 750) with the Immigrant Petition for Alien Worker (I-140). 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 of the visa petition.

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 6, 2003, indicating that a brief/and or evidence would be submitted to the AAO within 30 days. The only statement on the appeal form (I-290B Notice of Appeal) is that the "petitioner has the financial ability to pay the proffered wage to the alien."

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 a petitioner has the financial ability to pay a 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.