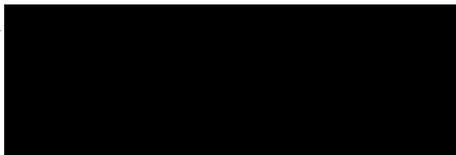


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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



BG

FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER
WAC 03 252 54646

Date: AUG 12 2005

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: SELF-REPRESENTED

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

The petitioner is a restaurant. It seeks to employ the beneficiary permanently in the United States as a musician. 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 and denied the petition accordingly.

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

September 11, 2001 made a mark on all business [sic] and people. This case was commenced prior to this events [sic] and the economy was way at large. [sic] all business [sic] are like restarting [sic] a new era and this case was commenced before that. Also your rules and regulations are stricter based on those events. I am presently legaziling [sic] the status of other employees and they were approved without all these requirements. A motion to reopen this case was made prior to refilling the new I-140. Taxes have been submitted reflecting that I can afford the salary offered based on assets and the variable income on a day to day [sic] basis of the restaurant. This worker doesn't have a valid social security number. Taxes are prepared with a tin number and do [sic] to his lack of permit I am unable to put him on a payroll. If your offices grant him this approval and he obtains a work permit I will gladly put him in the payroll and at the time of the appointment he will have his W2 in accordance to [sic] your instructions. This case has been handled from hand to hand and this worker is paying the consequences. [sic] MA750 indicates this is a job offer and this job offer is still open. Please review case and advice. This kind of cases [sic] incurred a lot of expenses suchas [sic] ads, filing fees, attorney fees etc. He also paid the adjustment for his entire family.

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

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."

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

ORDER: The appeal is summarily dismissed.