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FILE: [redacted] Office: VERMONT SERVICE CENTER  
EAC 03 108 51073

Date: DEC 21 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:



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 Acting Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner repairs, services, and tests electronic equipment. It seeks to employ the beneficiary permanently in the United States as an electronics engineer. The Acting 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.

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

Documentation provided shows that the petitioner was able to establish fully that it has the ability to pay the proffered wage at the time the petition was filed. 8 C.F.R. § 204.5(g)(2).

No further information, argument, or documentation was submitted.

On the appeal form counsel indicated that a brief or additional evidence would be submitted within 90 days. In a cover letter, dated June 24, 2004, counsel stated, "We will need to gather additional documentation and evidence and we will not be able to provide you with it before 90 days i.e. October 11<sup>th</sup>."<sup>1</sup>

The record does not contain the brief or any additional evidence. Subsequently, this office sent a fax to counsel, inquiring after the promised brief or evidence. Counsel did not respond to that fax. The appeal will be adjudicated based on the evidence of record.

Counsel's statement on appeal contains no specific assignment of error. Alleging that the Acting 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."

Counsel 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.

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<sup>1</sup> Counsel apparently computed the end of that 90-day period incorrectly.