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



U.S. Citizenship and Immigration Services

BC

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FILE: WAC 02 253 51503 Office: CALIFORNIA SERVICE CENTER Date: JUL 18 2005

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

PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)

ON BEHALF OF PETITIONER:
[Redacted]

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 California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner seeks to classify the beneficiary as an employment based immigrant pursuant to section 203(b)(3) of the Immigration and Nationality Act, (the Act), 8 U.S.C. § 1153(b)(3), as a professional or skilled worker. The petitioner is a skilled and sub-acute nursing and rehabilitation business. It seeks to employ the beneficiary permanently in the United States as a registered nurse. The petitioner asserts 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 denied the petition after determining that the petitioner is a consultant, hired to manage skilled nursing facilities, not the direct employer of the prospective nurses. The director also determined that the petitioner had not established its continuing ability to pay the proffered wage from the priority date of August 8, 2002, and that the conditions of the Employment Agreement appear to violate the requirements stated on the ETA 750 and on the notice of filing. The director further noted that the petition contained possible inconsistencies, i.e., the various signatures of Mr. [REDACTED]

On appeal, counsel indicates that he would submit a brief and/or evidence to the Administrative Appeals Office (AAO) within 30 days. Counsel states, "1. The service erred in the interpretation of the law. 2. The service did not give petitioner a chance to explain the discrepancy on the contracts submitted."

Counsel dated the appeal May 6, 2003. As of this date, more than 25 months later, the AAO has received nothing further.

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."

In this case, the bare assertion of error is not a sufficient basis for a substantive appeal. It does not specifically address errors in the director's decision.

As the petitioner 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.