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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: EAC 02 266 51407 Office: VERMONT SERVICE CENTER Date: JUN 28 2009

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

The petitioner is a taxicab company. It seeks to employ the beneficiary permanently in the United States as a taxicab supervisor. 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, April 27, 2001 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 in pertinent part:

The Acting Center Director erred by denying the Petitioner's I-140 on behalf of Beneficiary She denied the petition because (1) the Petitioner did not establish its ability to pay the necessary prevailing wage; and, (2) the Petitioner failed to resolve an inconsistency in the record regarding the Beneficiary's prior employment.

In fact, the Petitioner did establish its ability to pay the Prevailing Wage, and, the Beneficiary is able to resolve the inconsistency in the record.

Since the date of filing of the appeal on January 20, 2004, counsel has not submitted evidence or a brief in the matter although he stated in Part Two of Form I-290B that he would submit evidence or a brief. Counsel has not responded to a fax from the office of the AAO that requested same.

Counsel'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.

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.