

**identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**



**U.S. Citizenship  
and Immigration  
Services**

**PUBLIC COPY**

*BC*



FILE: WAC 03 146 54535 Office: CALIFORNIA SERVICE CENTER Date: NOV 22 2005

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 petitioner is a diesel/European automotive repair business. It seeks to employ the beneficiary permanently in the United States as a diesel mechanic. The director determined that the petitioner had not responded to the Notice of Intent to Deny issued to the petitioner dated February 12, 2004,<sup>1</sup> and denied the petition accordingly.

Counsel filed a Form I-290B appeal in this matter. In the section reserved for the basis of the appeal, counsel inserted, "The California Service Center (CSC) failed to give due consideration to pertinent evidence and explanations provided by the petitioner, regarding the issues of successor interest and ability to pay. As a result, the CSC improperly denied petitioner's Form I-140."<sup>2</sup>

No brief or additional evidence was submitted.

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.

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. The petitioner should have submitted the documents in response to the director's Notice of Intent to Deny. Under the circumstances, since no evidence was submitted on appeal to the many questions and requests for additional evidence in the Notice of Intent to Deny, the appeal must be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.

---

<sup>1</sup> The director issued a Notice of Intent to Deny requesting additional evidence to determine if the petitioner was the successor in interest to the employer noted on the certified Alien Employment Application (which was Texaco Service Center), and, to determine the validity of the certified Alien Employment Application; additional evidence to determine that the petitioner had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition; and, additional evidence to determine that the beneficiary has the requisite experience and training as stated on the certified Alien Employment Application.

<sup>2</sup> Counsel has not appealed or provided evidence concerning the issues of the beneficiary's lack of qualifications and training as a diesel mechanic raised by the director. Counsel has not explained why the petitioner offered no response to the request for additional evidence raised in the Notice of Intent to Deny. The purpose of the request for evidence is to elicit further information that clarifies whether eligibility for the benefit sought has been established, as of the time the petition is filed. See 8 C.F.R. §§ 103.2(b)(8) and (12). The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14). See *Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988).