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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

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[Redacted]

FILE:

[Redacted]

Office: TEXAS SERVICE CENTER

Date: **SEP 27 2005**

SRC 03 107 51423

IN RE:

Petitioner:

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:

[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 Director, Texas Service Center, denied the preference visa petition that is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is a convenience store. It seeks to employ the beneficiary permanently in the United States as a store manager. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor accompanied the petition. 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's owner submitted a Form I-290B appeal in this matter, in which he requested a continuance of 180 days to file a brief. In the section reserved for the basis of the appeal, the petitioner's owner inserted,

I was poorly advised by my previous accountant and need the additional time to submit the brief in order to allow my new accountant ample time to review my 2001 and 2002 income tax returns. Due to the busy tax season, my new accountant will not be able to do any work until after April 30, 2004."

Subsequently, counsel submitted a letter, dated March 4, 2004, in which he requested an additional 180-day continuance during which time the petitioner might consult a competent accountant and file a brief. Although the requested 180-day period has passed, no further information, argument, or documentation has been received from the petitioner or from anyone acting on his behalf.

The statements by the petitioner's owner and counsel submitted on appeal contain no specific assignment of error. Implying 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."

The petitioner's owner and counsel have 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.