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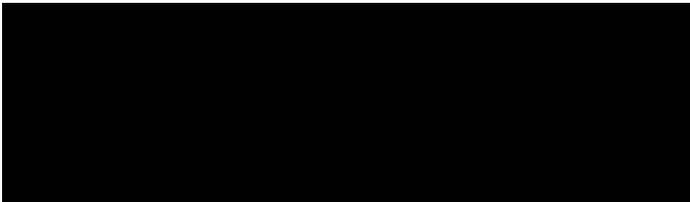
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

B6

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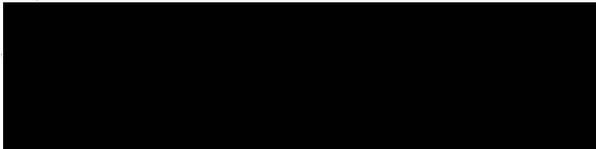


FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: DEC 28 2006
WAC 04 222 53455

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, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the preference visa petition that is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is an application software company. It seeks to employ the beneficiary permanently in the United States as a computer engineer/network and computer system administrator. 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.

Counsel submitted a Form I-290B appeal in this matter. The section reserved for the reason for filing the appeal was left blank. On the form appeal counsel indicated that he would provide a brief or evidence within 30 days. The record also contains a letter dated June 8, 2005 from the petitioner's chairman. That letter indicates that the attorney's wife had died the previous Monday and he would require additional time to prepare the appeal.

No brief or evidence was submitted, either with the form appeal and letter or subsequently. On November 1, 2006 this office sent counsel a facsimile transmission asking whether he had submitted any such information, argument, or documentation. Counsel indicated on that facsimile that he had submitted no brief or evidence to supplement the appeal and return that facsimile to this office.

The form appeal submitted contains no specific assignment of error and no brief with a specific assignment of error was subsequently submitted. 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.