

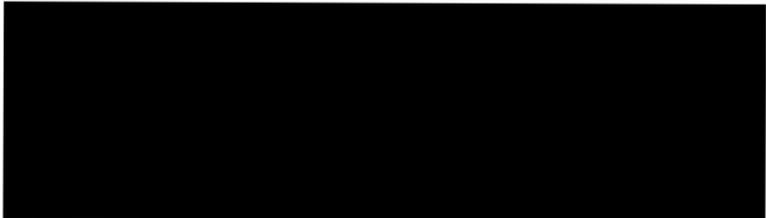
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U.S. Citizenship
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FILE: WAC 04 228 50090 Office: CALIFORNIA SERVICE CENTER Date: DEC 28 2006

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 a grocery store. It seeks to employ the beneficiary permanently in the United States as a manager. 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. In the section reserved for the reason for filing the appeal, counsel inserted,

We request that the denial decision of the US CIS California Service Center is [sic] reconsidered based on the additional evidence of the company's financial ability to pay wages which will be submitted to the AAO within 30 days.

Counsel indicated that he would submit a brief or evidence within 30 days in an additional place on that form. No new evidence, however, was submitted.

On December 11, 2006 this office sent counsel a facsimile transmission asking whether he had submitted any such information, argument, or documentation. In response counsel indicated that he had not submitted any additional information, argument, or documentation.

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.