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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

B6

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: MAR 29 2006
EAC 04 076 50656

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

An attorney filed a Form G-28 Entry of Appearance in this matter and submitted it with the petition. The petitioner's president signed that form. The petitioner's attorney however, did not submit the appeal in this matter. The person who filed the appeal submitted a Form G-28, Entry of Appearance, also signed by the petitioner's president. On that form, the petitioner's ostensible representative does not indicate that he is an attorney but states that he,

Functions as a consultant, an agent and/or representative or representation for employer/employee search and find an/or for processing various USCIS forms and filing the forms with the USCIS[<] AAU, BIA, EOIR for its clients.

That ostensible representative's name, however, does not appear on CIS's list of accredited representatives. As such, the file contains no evidence that the petitioner's ostensible representative is qualified and authorized to represent the petitioner.¹ All representations will be considered, but the decision will be furnished only to the petitioner and the petitioner's counsel of record.

The petitioner is a retail store. It seeks to employ the beneficiary permanently in the United States as a store 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.

The petitioner's ostensible representative submitted a Form I-290B appeal in this matter. In the section reserved for the basis of the appeal, the representative inserts,

The adjudicating officer misinterpreted the tax return of the petitioner for the year 2001 and made a wrong conclusion leading to the denial of the petition Form I-140.

A separate [sic] brief will be submitted within 30 days to the AAU.

On the form appeal the representative indicated that he would provide a brief or evidence within 30 days. No brief or evidence was submitted, either with the form petition or subsequently. On January 20, 2006 this office sent that ostensible representative a facsimile transmission asking whether he had submitted any such information, argument, or documentation. The ostensible representative did not respond to that facsimile.

The 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.

¹ Further, on the Form I-290B the petitioner's ostensible representative states that he represents the beneficiary, rather than the petitioner.

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 appeal 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.