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U.S. Citizenship
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FILE:

EAC 02 250 50237

Office: VERMONT SERVICE CENTER

Date: OCT 24 2006

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, Chief
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is a restaurant. It seeks to employ the beneficiary¹ permanently in the United States as a Italian cook. 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 basis of the appeal, counsel asserted that petitioner had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition.

Counsel selected on the appeal form the statement that indicated that counsel would be submitting a brief or additional evidence within 60 days, however, despite a request from the AAO for a brief and/or additional evidence from counsel, none 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 and the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.

¹ The beneficiary is also called Maximino Castaneda Amacende.