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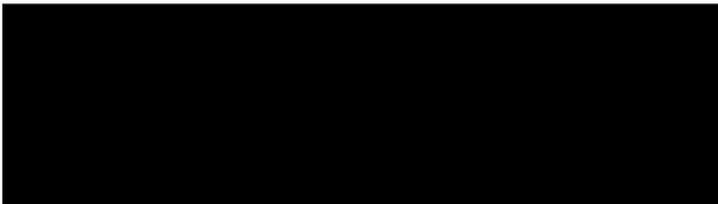
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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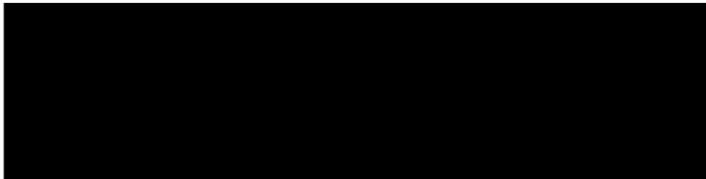


FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: JUL 31 2007
SRC 04 027 51680

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, Texas Service Center, denied the immigrant visa petition. The petitioner filed a motion to reopen/reconsider the denial. The director granted the motion and reviewed the record of proceeding. The director reaffirmed the decision to deny the petition on August 30, 2005, finding that the evidence submitted did not establish that the petitioner had the continuing ability to pay the proffered wage beginning on the priority date, and that the petitioner had not established that the beneficiary has the required job experience. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a fast food restaurant. It seeks to employ the beneficiary¹ permanently in the United States as a fast food restaurant manager. As required by statute, the petition is accompanied by the original Form ETA 750, Application for Alien Employment Certification, approved by the U.S. Department of Labor. 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 that the petitioner had not established that the beneficiary has the required job experience. The director 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 the director erred in finding that the petitioner did not establish that it had the ability to pay the proffered wage; and that the director erred in finding that the petitioner's affidavit failed to establish that the beneficiary had the required experience.

Counsel selected on the appeal Form filed September 29, 2005, the statement that indicated that counsel would be submitting a brief or additional evidence. On October 27, 2005, counsel requested an additional period to submit a brief or additional evidence within 30 days or until November 28, 2005. However, despite a request to counsel from the AAO for the brief and/or additional evidence on June 21, 2007 none was submitted.

Counsel's statement on appeal contains no specific assignment of error, or introduces new evidence relative to the issues raised in the statement of appeal. 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 known as [REDACTED] and also [REDACTED]