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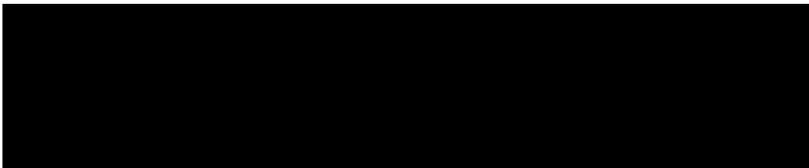
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date:

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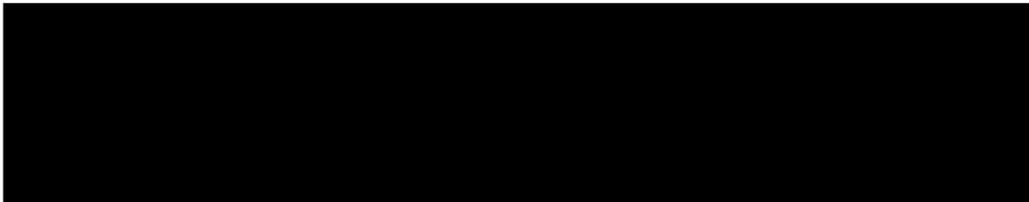
Petitioner:



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, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is a carry out and bakery specialty grocery store. It seeks to employ the beneficiary permanently in the United States as a foreign food specialty 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 inserted,

The Service erred in concluding that the ability to pay was not met. The original petitioner had established the ability to pay at the time of filing the Labor Certification. The new owner assumed all rights and liabilities and does have the ability to pay the proffered wage.

No further information, argument, or documentation was submitted.

On the appeal form counsel indicated that a brief or additional evidence would be submitted within 30 days. In a cover letter, dated November 9, 2006, counsel requested an additional 60 days in order to submit a brief in support of the Form I-290B appeal.

The record does not contain the brief or any additional evidence. Subsequently, this office sent a fax to counsel, inquiring after the promised brief or evidence. Counsel did not respond to that fax. The appeal will be adjudicated based on the evidence of record.

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.