



U.S. Citizenship  
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FILE: EAC 04 145 51472 Office: VERMONT SERVICE CENTER Date: MAR 30 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: SELF-REPRESENTED

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, Vermont Service Center, initially approved, and subsequently revoked approval of, the preference visa petition that is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is a health care staffing service. It seeks to employ the beneficiary permanently in the United States as a registered nurse. The director determined that the petitioner had not established (1) that the petitioner had posted a notice of the proffered position in accordance with the requirements of 20 C.F.R. § 656.20(g)(3); (2) that the wage offered in this case equals or exceeds the prevailing wage as required by 20 C.F.R. § 656.20(c)(2); (3) that the petitioner was offering the beneficiary permanent employment as of the priority date, (4) that the petitioner would be the beneficiary's actual employer or, (5) that the petitioner has the ability to pay the proffered wage. The director revoked approval of the petition accordingly.

On May 19, 2005 the petitioner submitted a Form I-290B appeal in this matter. In the section reserved for the basis of the appeal, the petitioner inserted, "We are consolidating documents from our clients." No additional evidence or argument was submitted with that appeal.

On that appeal form, the petitioner checked a box to indicate that it would send a brief and/or additional evidence within 15 days. The petitioner also checked a box indicating that it required 30 days to submit a brief and/or evidence. Although the appeal form specifies that the longer period may be granted only for good cause shown, the petitioner submitted no statement pertinent to its request for a 30-day extension. No further information, argument, or documentation was received within the period accorded.

On February 12, 2006 this office sent the petitioner a fax noting that the petitioner had promised an additional submission but that no such submission had been received. That fax further stated that, if the petitioner had previously submitted additional evidence and/or a brief, it should submit another copy of that submission. The petitioner did not respond to that fax.

The petitioner's statement on appeal contains no specific assignment of error. 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 petitioner 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.