

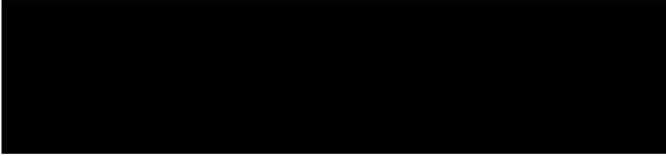


U.S. Citizenship
and Immigration
Services

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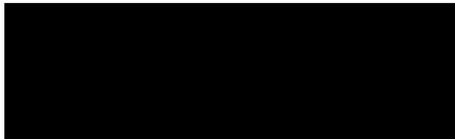


FILE: WAC 05 025 53530 Office: CALIFORNIA SERVICE CENTER Date: MAR 01 2007

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

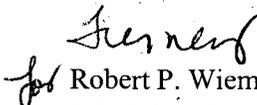
PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8-U.S.C. § 1153(b)(3)

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

The petitioner is a health care business. It seeks to employ the beneficiary permanently in the United States as a registered nurse. 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, Notice of Appeal to the Administrative Appeals Office (AAO), appeal in this matter. In the section reserved for the reason for filing the appeal, counsel inserted,

Petitioner respectfully maintains that the Honorabkle [sic] Director of the California Service Center erred in denying the application based on the reason(s) stated in the denial letter dated 08-03-2005. Petitioner will be submitting a brief to [sic] support its position that it has the ability to pay the proffered wage and, therefore, the Form I-140 should have been approved.

On the appeal form counsel indicated that he would provide a brief or evidence within 30 days. No brief or evidence was submitted, either with the appeal form or subsequently. On February 2, 2007 this office attempted to send counsel a facsimile transmission asking whether he had submitted any such information, argument, or documentation and discovered that counsel's fax number was disconnected.

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.