U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

(b)(6)

U.S. Citizenship and Immigration Services

DATE: JUL 3 1 2014 OFFICE: TEXAS SERVICE CENTER FILE:

IN RE: Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b)(3)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)(A)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Josh for

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center (Director), revoked the approval of the immigrant visa petition. After the Administrative Appeals Office (AAO) summarily dismissed the petitioner's appeal, the Director reopened the petition on his own motion. The Director issued a second Notice of Intent to Revoke before again revoking the petition's approval. The matter is now before this office on the petitioner's appeal from the second revocation decision. This appeal will be summarily dismissed.[1]

The petitioner owns and operates a restaurant.[2] It seeks to permanently employ the beneficiary in the United States as a cook. The petition requests classification of the beneficiary as a skilled worker or professional under section 203(b)(3)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A). In his most recent decision, the Director determined that the petitioner did not demonstrate its continuing ability to pay the proffered wage or the beneficiary's qualifying experience for the offered position by the petition's priority date.

On appeal, counsel stated on the Form I-290B, Notice of Appeal or Motion, that "USCIS erred as a matter of fact and law in revoking the previous approval of the I-140 petition. Verification of such will be submitted to the AAO within 30 days."

Counsel dated the appeal July 2, 2013. As of the date of this decision, more than 12 months later, this office has received nothing further. *See* 8 C.F.R. §§ 103.3(a)(2)(vii), (viii) (requiring a brief to be submitted directly to the AAO).

An appeal shall be summarily dismissed if it fails to specify any erroneous conclusion of law or statement of fact being challenged. 8 C.F.R. § 103.3(a)(1)(v). Both the Form I-290B and its accompanying instructions direct appellants to "[p]rovide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed." Counsel for the petitioner has not specified a reason for the appeal or provided any additional evidence from the petitioner to support her assertions on the Form I-290B. The petitioner's appeal broadly asserts that USCIS erred, but does not specifically identify the purported erroneous fact(s) or conclusion(s). The appeal must therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed.

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[1] The record indicates that the Director first revoked the petition's approval on May 29, 2009. He concluded that the petitioner did not follow United States Department of Labor recruitment procedures in obtaining the approved, accompanying Form ETA 750, Application for Alien Employment Certification. He also concluded that the petitioner misrepresented material facts during the visa petition proceedings. This office summarily dismissed the petitioner's appeal on October 11, 2012, finding that the appeal did not identify any erroneous conclusion of law or statement of fact. *See* 8 C.F.R. § 103.3(a)(1)(v). On March 18, 2013, the Director reopened the petition on his own motion to identify deficiencies not previously addressed. He issued a new decision on June 18, 2013, revoking the petition's approval.

[2] The petitioner identifies itself on the Form I-140, Petition for Alien Worker, and the accompanying labor certification as [redacted] However, financial and corporate records submitted by the petitioner identify it as [redacted] and [redacted]