

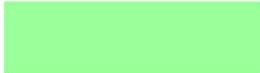


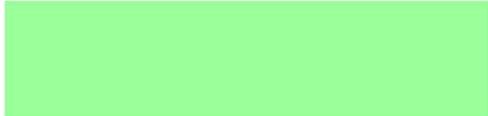
**U.S. Citizenship  
and Immigration  
Services**

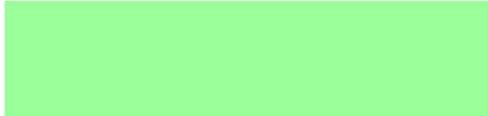
(b)(6)



DATE: **AUG 26 2013**

OFFICE: CALIFORNIA SERVICE CENTER FILE: 

IN RE: Petitioner: 

Beneficiary: 

PETITION: Petition for a Commonwealth of the Northern Mariana Islands (CNMI) Only Nonimmigrant Transitional Worker Classification Pursuant to 48 U.S.C. § 1806(d)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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,

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The service center director denied the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner submitted a Petition for a Commonwealth of the Northern Mariana Islands (CNMI) Only Nonimmigrant Transitional Worker (Form I-129CW) to the California Service Center on August 15, 2012. On the Form I-129CW petition, the petitioner describes itself as a restaurant established in 2008. In order to employ the beneficiary in what it designates as a waitress position, the petitioner seeks to classify him as a CNMI-Only Nonimmigrant Transitional Worker (CW-1) pursuant to 48 U.S.C. § 1806(d).

The director denied the petition on November 20, 2012, finding that the petitioner failed to establish that the beneficiary was lawfully present in the Commonwealth of the Northern Mariana Islands at the time the petition was filed.

On December 10, 2012, the petitioner submitted a Notice of Appeal or Motion (Form I-290B) and checked Box A in Part 2 of the form to indicate that it was filing an appeal and that a brief and/or additional evidence was attached. The AAO fully and in-detail reviewed the Form I-290B and the evidence submitted in support of the appeal.

The petitioner provided the following statement at Part 3 of the Form I-290B:

When I hired [the beneficiary], she told me that she and her husband were previously petitioned by Saigon Enterprises, Inc. She and the rest of the employees were told that their employer will be travelling to Vietnam. They were not informed of the status of the petition. There was no one to inquire from because the restaurant was closed. In fact, it is only through this Notice of Decision that she learned that the petition was withdrawn on June 11, 2012. Unaware that their employer was not returning to Saipan, she and her husband tried to wait but later decided to look for another employer. All of us were not aware that filing of the current petition would fall behind the 30-day time limit based on the June 11, 2012 withdrawal since we did not know that the petition was withdrawn. Before I filed the petition, I did my best to gather information regarding the status of their petition, but, even [the beneficiary] did not know whether their documents were processed by an agent.

Appeal: For USCIS to reconsider its decision to deny the current petition for [the beneficiary] because 1) she was literally abandoned by her previous employer, and 2) she was never informed by her previous employer that the petition was withdrawn. I believe that [the petitioner] and the beneficiary are not at fault for this oversight due to lack of information as to the status of the previous petition wherein we could base the filing of the current one.

In support of the appeal, the petitioner submitted a copy of: (1) the biographic passport page for the beneficiary; (2) a foreign national worker permit issued by the CNMI Department of Labor the

beneficiary, which expired on November 27, 2011; and (3) a notice of authorization for parole of an alien into the United States issued to the beneficiary, with an expiration date of November 27, 2011.

The AAO observes that the petitioner's statement on appeal does not identify any errors in the director's decision. 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 (emphasis added)." In the instant case, the petitioner fails to identify specifically any erroneous conclusion of law or a statement of fact as a basis for the appeal. Thus, the appeal must be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

**ORDER:** The appeal is summarily dismissed.