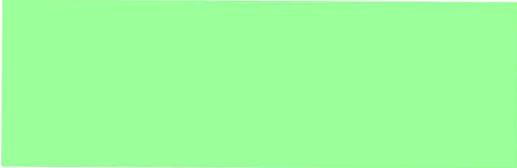


(b)(6)



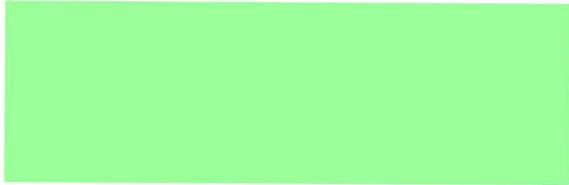
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship
and Immigration
Services



DATE: **MAY 12 2014** OFFICE: CALIFORNIA SERVICE CENTER FILE: 

IN RE: Petitioner:
Beneficiaries:



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 June 17, 2013. On the Form I-129CW petition, the petitioner describes itself as a business established in 1989, providing shipping, mini mart, gas station, laundry mat, farming and rental services. In order to employ the beneficiaries in what it designates as stevedore positions, the petitioner seeks to classify them as CNMI-Only Nonimmigrant Transitional Workers (CW-1) pursuant to 48 U.S.C. § 1806(d).

The director denied the petition on January 24, 2014, finding that the petitioner did not properly file the Form I-129 for multiple beneficiaries. On February 22, 2014, the petitioner submitted a Notice of Appeal or Motion (Form I-290B) and checked Box A in Part 3 of the form to indicate that it was filing an appeal and that a brief and/or additional evidence was attached. In a brief submitted with the Form I-290B, the petitioner stated the following, in part:

Sir, first of, we would like to sincerely apologize for any inconvenience the erroneous decision on our part to include Mr. [REDACTED] in the aforementioned petition and we beg for your pardon.

Secondly, in the absence of Mr. [REDACTED] and Mr. [REDACTED] we can honestly state that our company's normal daily operation will somehow be hindered and it will be a loss on our part.

In addition, both gentlemen have worked as Stevedores for our company for more than than ten years now and we genuinely value their proficiency as stevedores.

Because of the above, we are submitting Form I 290B on behalf of Mr. [REDACTED] and Mr. [REDACTED] and we are wholeheartedly and sincerely appealing for your reconsideration.

Also, we are withdrawing Mr. [REDACTED] from the said petition because, not only does he not possess and meet the necessary years of experience to satisfactorily suit our company's needs, but also lacks the qualification as called for in the I-129CW document.¹ We would be submitting a separate petition for Mr. [REDACTED] under a new job category which separates him from this appeal.

¹ [A petitioner] may withdraw [a] benefit request at any time until a decision is issued by USCIS [U.S. Citizenship and Immigration Services]. 8 C.F.R. § 103.2(b)(6). Thus, the petitioner is precluded from withdrawing the petition on behalf of Mr. [REDACTED] because USCIS has already issued a decision on the petition.

Again, we apologize for the inconvenience and we beg for your consideration and favorable approval.

(Errors in the original.) The AAO fully and in-detail reviewed the Form I-290B and the brief submitted in support of the appeal. 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.² Thus, the appeal must be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).³

ORDER: The appeal is summarily dismissed.

² The petitioner is not precluded from filing a new petition, with the appropriate fee(s), in accordance with the applicable legal provisions for USCIS to consider.

³ The regulation is binding on USCIS. *See, e.g., Panhandle Eastern Pipe Line Co. v. Federal Energy Regulatory Commission*, 613 F.2d 1120 (C.A.D.C., 1979) (an agency is bound by its own regulations); *Reuters Ltd. v. F.C.C.*, 781 F.2d 946, (C.A.D.C., 1986) (an agency must adhere to its own rules and regulations; ad hoc departures from those rules, even to achieve laudable aims, cannot be sanctioned).