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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



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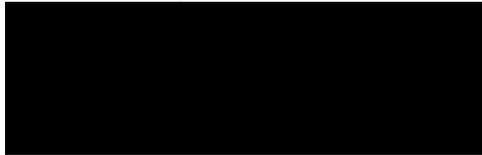
AUG 18 2005

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:  
WAC 03 138 54499

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

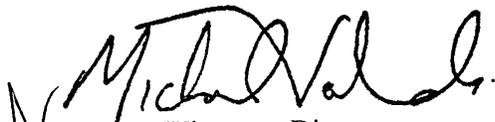
PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

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, Director  
Administrative Appeals Office

**DISCUSSION:** The preference visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is a Japanese restaurant. It seeks to employ the beneficiary permanently in the United States as a cook. The director determined that the petitioner had not established that the beneficiary has the requisite work experience as listed on the approved Form ETA 750 labor certification, and denied the petition accordingly.

Counsel submitted a Form I-290B appeal in this matter. In the section reserved for the basis of the appeal, counsel inserted, "It is respectfully requested that (CIS) allows (sic) additional 30 days to submit a brief and additional evidence to the (AAO). Client is currently in the process of locating the former Employer in Korea through governmental agency to satisfy her employment in Korea."

No further information, argument, or documentation was received from counsel. Subsequently, this office sent counsel a faxed inquiry to determine whether an intended submission had been misrouted. In response, the beneficiary submitted materials to this office. The beneficiary stated, "We decided to work this with our own. We are no longer work with our lawyer." The beneficiary submitted evidence pertinent to her employment in Korea and statements from her family members.

The beneficiary has no standing in this matter and is not entitled to appeal. 8 C.F.R. § 103.3(a)(1)(iii), 8 C.F.R. § 103.3(a)(2)(v), 8 C.F.R. § 103.2(a)(3), and 8 C.F.R. § 103.3(a)(2)(i). The beneficiary may not, therefore, dismiss counsel for the petitioner and proceed *pro se*. The evidence and argument the beneficiary submitted is not correctly before this office.

Counsel's statement on appeal contains no specific assignment of error. 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 any 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.