

**PUBLIC COPY**



U.S. Citizenship  
and Immigration  
Services

**Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**



B6

FILE:

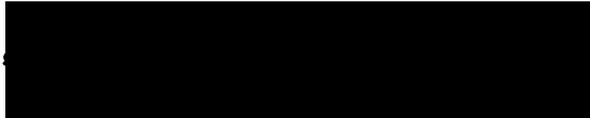


Office: VERMONT SERVICE CENTER

Date: JUL 07 2005

IN RE:

Petitioner:



Beneficiary:

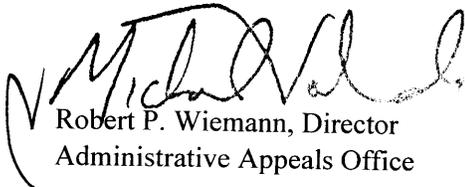
PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

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, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is a restaurant.<sup>1</sup> It seeks to employ the beneficiary permanently in the United States as an accountant. 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 appeal in this matter. In the section reserved for the basis of the appeal, counsel inserted in pertinent part:

The service has ignored the fact that the employer-petitioner, to wit, [REDACTED] (DC) Restaurant Services Inc. d/b/a Bombay Restaurant is a subsidiary of the [REDACTED] Restaurant Services Inc.<sup>2</sup> that runs Indian cuisines internationally. They are present in ... [multiple cities].

Counsel also asserts that the petitioner has "... been in financial doldrums ..." for several years due to a fire, the sniper shootings and a business recession. She also asserts that the "...dollar figure taken as depreciation in the tax returns ..." has to be taken as business strength."

The assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). No brief or additional evidence has been submitted to support counsel's assertions.

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.

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.

---

<sup>1</sup> The name by which the petitioner is identified on its tax returns is ISC (DC) Restaurant Services Inc.

<sup>2</sup> The only tax returns submitted were for the petitioner. There is no evidence submitted such as tax returns, annual reports, or audited financial statements that the petitioner is a subsidiary of another corporation.