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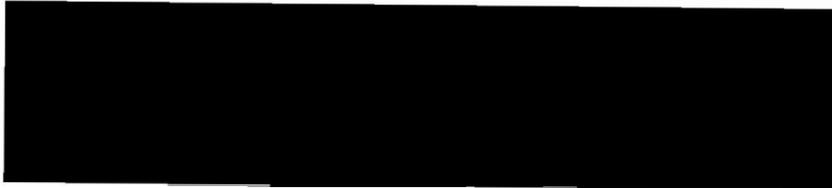
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [redacted] Office: VERMONT SERVICE CENTER
EAC 02 044 51276

Date: JUL 06 2006

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, Chief
Administrative Appeals Office

DISCUSSION: The Acting Director, Vermont Service Center, revoked approval of the preference visa petition that is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a restaurant. It seeks to employ the beneficiary permanently in the United States as a cook. The acting director determined that testimony the beneficiary gave under oath before an immigration judge contradicted his claim of employment qualifying him for the proffered position. Because the found that the evidence did not support the proposition that the beneficiary has the requisite employment experience as stated on the approved Form ETA 750 labor certification in this matter, the acting director revoked approval of the petition.

Counsel submitted a Form I-290B appeal in this matter. In the section reserved for the reason for filing the appeal, counsel inserted, "U.S.C.I.S. erred as a matter of fact and law."

On the form appeal counsel indicated that he would provide a brief or evidence within 30 days. No brief or evidence was submitted, either with the form appeal or subsequently.¹

Counsel's statement on appeal contains no specific assignment of error. Alleging that the acting director erred in some unspecified way is an insufficient basis for an appeal.

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."

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.

¹ Counsel did subsequently submit a letter dated February 25, 2005. The body of the letter reads, "Please find enclosed for filing with regard to [the instant case]: 1. Statement in lieu of brief, and 2. Certificate of Service." The body of the statement submitted reads, "After consulting with counsel, respondent has requested that counsel reaffirm the arguments made during his hearing and in his Notice of Appeal." Neither the letter nor the statement contains an assignment of error and no evidence was included with it.