



U.S. Citizenship
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FILE: [redacted] Office: VERMONT SERVICE CENTER
EAC 06 042 51034

Date: NOV 14 2007

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: SELF-REPRESENTED

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 Director, Vermont Service Center, denied the preference visa petition that is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner was previously represented by [REDACTED] On October 25, 2007 [REDACTED] was suspended from practice before the Board of Immigration Appeals, Immigration Courts, and the Department of Homeland Security, including the AAO. This office no longer recognizes [REDACTED] as the petitioner's counsel in this matter. All representations will be considered, but the decision will be furnished only to the petitioner.

The petitioner is a 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 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.

The petitioner's former counsel submitted a Form I-290B appeal in this matter. In the section reserved for the reason for filing the appeal, former counsel inserted,

Employer has requested the accountant CPA to prepare audited financial statements for the past 4 years. It is not possible to get all the evidence requested in this matter within [sic] the time allotted. Please consider. The employer has the ability to pay the offered wages. Will provide separate brief at [illegible word].

On the appeal form the petitioner's former counsel indicated that a brief or evidence would follow within 60 days. No brief or evidence was submitted, either with the form appeal or subsequently.

The petitioner's former 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.

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."

The petitioner's former 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.