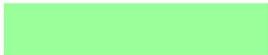


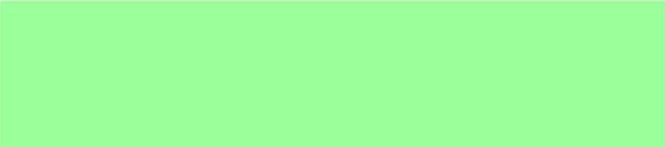
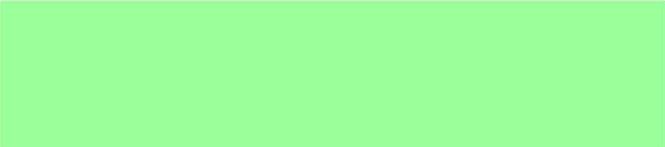


U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **AUG 18 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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg", is written over the typed name and title.

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 the Form I-129CW petition, the petitioner describes itself as a commercial cleaning business established in 1992. In order to employ the beneficiaries in what it designates as commercial cleaner 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, finding that the petitioner failed to establish that the beneficiaries were lawfully present in the CNMI at the time the petition was filed.¹ Thereafter, the petitioner submitted a Notice of Appeal or Motion (Form I-290B) and checked Box 1.b. in Part 3 of the form to indicate that it was filing an appeal and that a brief and/or additional evidence will be submitted within 30 days.

The petitioner subsequent submission included a letter which stated the following, in part:

We are requesting on your good office to reconsider the application of my applicants.

- a.) [Beneficiary], 17 years longtime guestworker, parent of U.S. Born child
- b.) [Beneficiary], 25 years longtime guestworker

Reason of denied CW-1 was they exceeded to the 30 days grace period before to found out new employer. See attached documents.

They are legally longtime guestworkers here in Saipan for more than 15 years. No criminal record, good tax payer. We are hoping and praying that your office to reconsider this hopeless people.

We are hoping to extend your help to us. Thank you. [Errors in the original.]

¹ As noted in the director's decision, 8 C.F.R. § 214.2(w)(7)(v) states the following with regard to a CW-1 nonimmigrant:

If a CW-1's employment has been terminated prior to the filing of a petition by a prospective new employer consistent with paragraphs (w)(7)(i) and (ii), the CW-1 will not be considered to be in violation of his or her CW-1 status during the 30-day period immediately following the date on which the CW-1's employment terminated if a nonfrivolous petition for new employment is filed consistent with this paragraph within that 30-day period and the CW-1 does not otherwise violate the terms and conditions of his or her status during that 30-day period.

The petitioner also submitted a letter from the beneficiaries' prior employer, indicating that it did not have sufficient work for them because a contract was cancelled.

We fully and in-detail reviewed the Form I-290B and the documentation submitted in support of the appeal. We observe 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 does not identify specifically any erroneous conclusion of law or a statement of fact as a basis for the appeal. Thus, the appeal must be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).²

ORDER: The appeal is summarily dismissed.

² 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).