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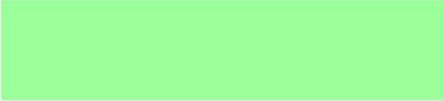
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



DATE: **JUN 10 2014** OFFICE: CALIFORNIA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary:

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.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The service center director denied the nonimmigrant visa petition. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The petitioner submitted a Petition for a CNMI-Only Nonimmigrant Transitional Worker (Form I-129CW) to the California Service Center on November 14, 2012. In the Form I-129CW visa petition, the petitioner describes itself as a business, established in 2004, that provides various services, specifically general consulting, janitorial, child care, construction, tailoring, and manpower services. In order to employ the beneficiary in what it designates as a commercial cleaner position, the petitioner seeks to classify her as a CNMI-Only Nonimmigrant Transitional Worker (CW-1) pursuant to 48 U.S.C. § 1806(d).

The director denied the petition on October 16, 2013, finding that the petitioner failed to establish that the beneficiary was lawfully present in the Commonwealth of the Northern Mariana Islands (CNMI) at the time the petition was filed. The director noted that the Form I-129CW filed by the beneficiary's previous employer was denied on September 12, 2012.

On November 18, 2013, the petitioner filed a Notice of Appeal or Motion (Form I-290B) and checked Box A in Part 2 of the form to indicate that it was filing an appeal and that a brief and/or additional evidence was attached. In the Form I-290B, Part 3, Basis for the Appeal, the petitioner wrote "please see the attached documentation." The petitioner submitted a letter dated November 6, 2013, printed on its letterhead and signed by the beneficiary. The letter states the following:

I, [the beneficiary] was not notified by my previous employer that my CW application was denied [REDACTED] until October 14, 2012 (though now we know the USCIS letter of denial was dated 09/12/2012). That is why I acted to find another employer within 30 days of the notice. My previous employer back-dated his notice to me to reflect the date of 09/12/2012, which matched the date of the denial letter by the USCIS. It is not possible that the employer knew of the denial on the date it was processed by the USCIS as it takes about a week for mail to reach us here in the CNMI from CA. I believe this notice (my employers') to be defective and represent an effort by the employer to insure that I would not be edible to obtain enplanement while in the CNMI by back dating the letter to the date on notice from the USCIS, which is not possible. The letter does not use the date of 09/12/2012 as the date from the USCIS notification but rather uses it as the date of the letter from the employer. A legitimate notice from the employer would be dated ASAP after receipt of the letter from the USCIS (which I never saw) and include a copy of the USCIS denial letter so that I understood that I had 30 days from the date of the USCIS notice letter, which again was never noted. I have acted in good faith to find an employer within the 30 days that I was given as I understood it to be. If the employer notice to me was back-dated and not in good faith as I believe it to be, my 30 days to find another employer should reflect the date I was given the verbal notice of 10/14/2013.

(Errors in the original.)

We fully and in-detail reviewed the Form I-290B and the evidence submitted in support of the appeal.¹ The petitioner's submission 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 has not identified 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.

¹ Because the appeal is summarily dismissed, we need not address the additional issues that we observe in the record of proceeding.

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).