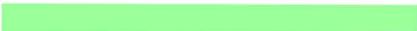


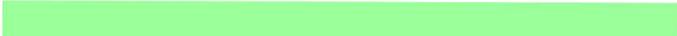


**U.S. Citizenship  
and Immigration  
Services**

(b)(6)



DATE: **MAR 25 2014** OFFICE: CALIFORNIA SERVICE CENTER 

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. 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,

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 July 22, 2013. On the Form I-129CW petition, the petitioner describes itself as a business established in 2005, providing room rental, handicraft sales and tour agent 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 November 15, 2013, finding that the petitioner failed to establish that the beneficiary was lawfully present in the CNMI (maintaining her status). The director noted that the beneficiary's prior employment had been terminated more than 30 days before the filing of the instant CW-1 petition.

On December 16, 2013, the petitioner submitted 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 stated the following:

We request an appeal of the denial of the CW1 we filed for our prospective employee-[the beneficiary].

We understand that the short time that lapsed between this petition and the expiration of her previous CW1/request for humanitarian parole as parent of a US citizen that was denied, may have been reason for the denial.

It is, however, with great respect for the law of the United States, that we support [the beneficiary].

1. Humanitarian reason/s-not only that she has a US citizen daughter, to provide for, but also, that she has been a legal contract worker in Saipan since 2006 and never had any legal/criminal records.
2. Financial and administrative-for us, as her prospective employer, because she came in highly recommended by previous employers/friends in the CNMI. We believe she can be an asset to our company and a law abiding worker in the CNMI.

We believe our company is also worthy of an opportunity to be given a chance to be approved for a CW petition for [the beneficiary].

In support of the appeal, the beneficiary submitted a letter dated December 9, 2013. In the letter, the beneficiary stated the following in part:

I applied for humanitarian parole while looking for a new employer on May 16, 2013, which, was later denied (May 31, 2013). **However, in that letter, I was advised to seek another employer, without specifying any time limit.** During that time, it is also causing confusion in the CNMI with regards to the granting of another nonimmigrant status to individuals who have been granted CW. It is only when USCIS [U.S. Citizenship and Immigration Services] clarified this issue on August 20, 2013 (published in local newspapers, copy attached) that this was understood by employers/employees in the CNMI.

\* \* \*

I am hoping for your kind consideration of my appeal. The circumstances of my status at present, is truly out of my control. I hope you could give me a chance to get a valid employment with [the petitioner] this time.

The petitioner also submitted an article dated August 20, 2013, entitled "USCIS: Those with CW, other nonimmigrant status ineligible for a parole."

The AAO fully and in-detailed reviewed the Form I-290B and the evidence submitted in support of the appeal. The AAO observes 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 fails to 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).<sup>1</sup>

**ORDER:** The appeal is summarily dismissed.

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<sup>1</sup> 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).