

(b)(6)



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: NOV 14 2014

OFFICE: CALIFORNIA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

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:

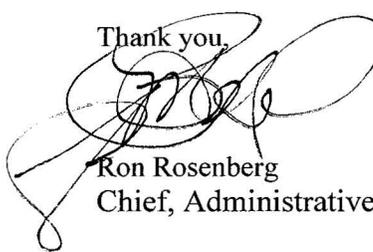
SELF-REPRESENTED

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 CNMI-Only Nonimmigrant Transitional Worker (Form I-129CW) to the California Service Center on August 21, 2013. In the Form I-129CW visa petition, the petitioner describes itself as a business established in [REDACTED]. In order to employ the beneficiary in what it designates as an accountant/bookkeeper 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, finding that the petitioner failed to establish that the beneficiary was lawfully present in the Commonwealth of the Northern Mariana Islands (CNMI).<sup>1</sup> Thereafter, 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.

In the appeal, the petitioner states the following:

We would like to appeal the denied decision to this application. We overlooked the latest pay stub and submitted the same pay stub that was previously provided. Attached herewith to support that the beneficiary maintained her CW-1 nonimmigrant status is her pay stub dated from July 6, 2013 to July 19, 2013 which was paid on July 24, 2013 by [REDACTED] on which she was previously granted CW-1 nonimmigrant status from July 17, 2012 to July 16, 2013 for your reference. We have also attached the copy of the beneficiary's I-94 showing validity date of July 17, 2012 to July 16, 2013 and a copy of the beneficiary's pay stub for the pay period June 22, 2013 to July 5, 2013 and paid on July 10, 2013.

The petitioner's statement 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

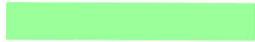
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<sup>1</sup> The regulatory provision at 8 C.F.R. § 212.2(w)(7)(v) states the following with regard to a CW-1 nonimmigrant:

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.

With the prior CW-1 petition, the beneficiary was granted authorization to work for her former employer until July 16, 2013. The instant petition was filed on August 21, 2013, which is more than 30 days after her employment was terminated.

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*NON-PRECEDENT DECISION*

for the appeal. Thus, the appeal must be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

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