



U.S. Citizenship
and Immigration
Services

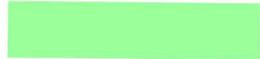
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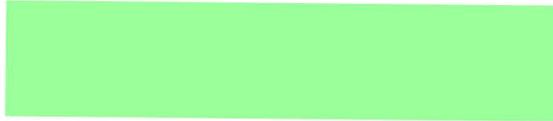
OCT 02 2014

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. 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 November 25, 2011. On the Form I-129CW petition, the petitioner describes itself as a school that was established in 1992. In order to employ the beneficiary in what it designates as a Chinese Bible preacher position, the petitioner seeks to classify him as a CNMI-Only Nonimmigrant Transitional Worker (CW-1) pursuant to 48 U.S.C. § 1806(d).

The director denied the petition on November 28, 2012, finding that the petitioner failed to establish that the beneficiary was lawfully present in the CNMI. 8 C.F.R. § 214.2(w)(1)(v) and (2)(iv). On December 27, 2012, 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. The petitioner provided a letter from [REDACTED] Manager of Labor Enforcement Office at the CNMI Department of Labor. The letter states that the beneficiary was "issued a Foreign National ID Card that expires on 11/24/2011[;] however, he failed to pick up his umbrella permit in 2009."

Upon preliminary review of the record of proceeding, we issued a Request for Evidence / Notice of Derogatory Information. We notified the petitioner that the Secretary of the CNMI Department of Labor sent U.S. Citizenship and Immigration Services (USCIS) a letter regarding the beneficiary indicating that the beneficiary did not meet the requirements to have an umbrella permit issued. The Secretary's letter further indicated that all permits that were not issued were destroyed.

On August 28, 2014, the petitioner responded to our notice and stated the following:

We admit that it is our mistake since no one at our church knew that [the beneficiary] had to have the umbrella permit in order to maintain his immigration status. This was totally a human error. We are sure that [the beneficiary] would have picked up his umbrella permit if we knew he needed to in the first place. The expiration date on his entry permit was the main factor that misled us. We hereby beg your good office to have mercy on his case and to allow [the beneficiary] to continue to serve the local community.

In the instant case, the petitioner did not submit documentation establishing that the beneficiary was lawfully present in the CNMI. We note that the petitioner must establish eligibility for the requested benefit at the time of filing. 8 C.F.R. § 103.2(b)(1). Each benefit request must be properly completed and filed with all initial evidence required by applicable regulations and other USCIS instructions. *Id.*

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

ORDER: The appeal is summarily dismissed.

¹ 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).