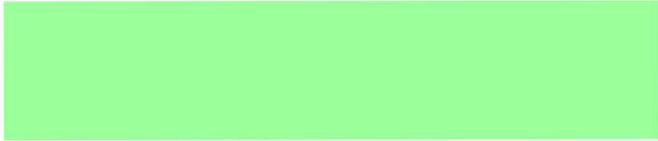




U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: **SEP 08 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 October 22, 2013. On the Form I-129CW petition, the petitioner describes itself as a business established in 2003, consisting of a restaurant, karaoke lounge and poker game room. In order to employ the beneficiary in what it designates as a kitchen helper position, the petitioner seeks to classify her as a CNMI-Only Nonimmigrant Transitional Worker (CW-1) pursuant to 48 U.S.C. § 1806(d).<sup>1</sup>

The director denied the petition on April 3, 2014, finding that the petitioner failed to establish that the beneficiary was lawfully present in the CNMI. The director noted that more than 30 days had passed between the time the beneficiary last worked for the previous employer and the time this petition was filed.<sup>2</sup>

On April 28, 2014, the petitioner submitted a Notice of Appeal or Motion (Form I-290B) and checked Box 1.a. in Part 3 of the form to indicate that it was filing an appeal and that a brief and/or additional evidence was attached. With the appeal, the petitioner submitted a letter stating the following (errors in the original):

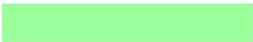
We Received your letter dated April 3, 2014 (on April 23, 2014) denying the Visa petition Form I-129CW. [The beneficiary's] former employment terminated on August 31, 2013; She did not know that she had only one month to find another job and have the new employer file a Form I-129CW. In the US most people take at least three months or longer to find employment. Since her former CW-1 was due to expire on Oct. 24, 2013 it was logical to believe that she had until that time to renew the Visa. We thought she had 30 days after the expiration Oct 24, 2013 to renew the Visa. Her former employer did not advise her of the 30 day requirement probably because they thought the same thing we did.

---

<sup>1</sup> The petitioner listed three beneficiaries in the Form I-129CW petition. The director approved the petition for two beneficiaries, and denied the petition for the above-mentioned beneficiary.

<sup>2</sup> The regulation at 8 C.F.R. § 214.2(w)(7)(v) states:

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.



Due to the restrictions imposed by the USCIS I find it difficult to find and retain good employees so I hope you will allow [the beneficiary] to continue working in the CNMI.

We fully and in-detail reviewed the Form I-290B and the evidence 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 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>3</sup>

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

---

<sup>3</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).