U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 36285076

Date: MAR. 14, 2025

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Skilled Worker)

The Petitioner, a nonprofit corporation that helps disabled people, seeks to permanently employ the Beneficiary as a social service assistant. It requests her classification under the employment-based, third-preference (EB-3) immigrant visa category as a "skilled worker." *See* Immigration and Nationality Act (the Act) section 203(b)(3)(A)(i), 8 U.S.C. § 1153(b)(3)(A)(i). Organizations may sponsor aliens for U.S. permanent residence in this category to work in jobs requiring at least two years of training or experience. *Id.*

The Director of the Nebraska Service Center denied the petition. The Director concluded that the accompanying certification from the U.S. Department of Labor (DOL) lacks a valid signature from an authorized representative of the Petitioner and that the organization did not demonstrate its required ability to pay the offered job's proffered wage.

On appeal, the Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that the organization did not specifically allege any legal or factual errors in the Director's decision regarding the organization's ability to pay the proffered wage. We will therefore dismiss the appeal.

I. LAW

A. Ability to Pay the Proffered Wage

Appellants must specify reasons for their appeals. *See Nolasco-Amaya v. Garland*, 14 F.4th 1007, 1013 (9th Cir. 2021) (stating the court's consistent application of "a strict specificity requirement when evaluating the notice of reasons for an appeal"); *Matter of Valencia*, 19 I&N Dec. 354, 355 (BIA 1986) ("Without a specific statement, [we] can only guess at how the [petitioner] disagrees with the [director]'s decision.")

On its Form I-290B, Notice of Appeal or Motion, the Petitioner contended that it "has adequately established the ability to pay the wage, as will be explained in greater detail in the supporting brief."

The organization indicated that it would provide us a written brief and, potentially, additional evidence within 30 calendar days of the appeal's November 5, 2024 filing. But, as of this decision's date, we have not received any further submissions from the organization in this matter.

The Petitioner has not specifically explained its challenge to the Director's ability-to-pay decision. Like the appellant in *Valencia*, the organization has "presented only a generalized statement without filing a supporting brief to explain the specific aspects of the [decision that they] considered to be incorrect." *Matter of Valencia*, 19 I&N Dec. at 355. We will therefore dismiss this overly broad claim.

B. The Petitioner's Signature on the Labor Certification

Even if the Petitioner demonstrated that its accompanying labor certification contained a valid signature from an authorized representative of the organization, we would still dismiss the appeal based on its vague challenge to the Director's ability-to-pay decision. We therefore need not reach and hereby reserve consideration of the Petitioner's arguments regarding the labor certification's validity. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies need not make "purely advisory findings" on issues unnecessary to their ultimate decisions).

III. CONCLUSION

The Petitioner has not specified the reasons for its appeal of the Director's decision regarding the organization's ability to pay the offered job's proffered wage. We will therefore affirm the petition's denial.

ORDER: The appeal is dismissed.