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FILE:



Office: NEBRASKA SERVICE CENTER

Date: OCT 01 2008

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IN RE:

Petitioner:



Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Pluron

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner, a software development and consulting company, seeks to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The director determined the petitioner had not established that the beneficiary qualifies for the classification sought.

On appeal, counsel states: "The petitioner is in the process of obtaining the requisite supporting documents pertaining to the beneficiary's education qualification to establish that the beneficiary meets the approved labor certification requirement." The appellate submission was unaccompanied by arguments or evidence addressing the pertinent regulatory requirements at 8 C.F.R. § 204.5(k).

Counsel indicated that a brief and/or evidence would be submitted to the AAO within 30 days. The appeal was filed on April 28, 2008. As of this date, more than five months later, the AAO has received no further documentation in support of the appeal.

However, in July 2008, the petitioner submitted a letter from [REDACTED], President, USP, LLC, requesting withdrawal of the petition. Mr. [REDACTED] letter stated: "USP, LLC does not have the financial ability to pay the beneficiary. Due to lack of wages we decided to revoke this petition."

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The petitioner has not specifically addressed the reasons stated for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.