

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

B5

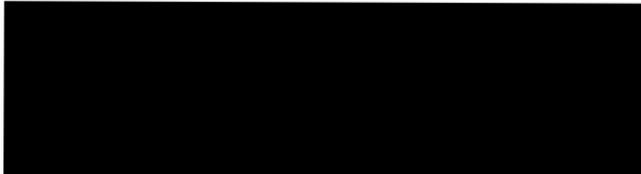


FILE: [Redacted] Office: TEXAS SERVICE CENTER Date: **OCT 06 2008**  
SRC 07 028 50276

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

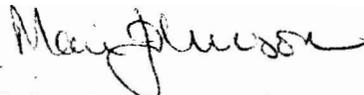
PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

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.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The petitioner is a hospital. It seeks to employ the beneficiary permanently in the United States as a diagnostic medical sonographer pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). Although required by statute,<sup>1</sup> an ETA Form 9089 Application for Alien Employment Certification approved by the Department of Labor (DOL), did not accompany the petition. Upon reviewing the petition, the director determined that the job required a member of the professions holding an advanced degree or that the beneficiary was eligible for the classification sought.

On appeal, counsel merely stated that the petitioner wished to continue employing the beneficiary and that further evidence would be submitted in 90 days.

Counsel dated the appeal January 15, 2007. As of September 18, 2008, more than 20 months later, the AAO had received nothing further. Thus, on that date, this office contacted counsel by facsimile, advising that we had received no additional materials, inquiring as to whether anything had been submitted and requesting a copy of any additional materials submitted. The facsimile advised that failure to respond to our inquiry within five business days may result in the summary dismissal of the appeal. As of this date, approximately two weeks later, this office has received no response.

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.

Counsel here 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.

---

<sup>1</sup> In part B of the uncertified ETA 9089 submitted, the petitioner indicated that it was not seeking Schedule A designation.