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U.S. Citizenship  
and Immigration  
Services

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APR 07 2004

FILE: EAC 01 238 52656 Office: VERMONT SERVICE CENTER Date:

IN RE: Petitioner:  
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

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, Director  
Administrative Appeals Office

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

The petitioner seeks to classify the beneficiary as an employment based immigrant pursuant to section 203(b)(3) of the Immigration and Nationality Act, (the Act), 8 U.S.C. § 1153(b)(3), as a skilled worker. The petitioner is a travel coordination firm. It seeks to employ the beneficiary permanently in the United States as a marketing representative. As required by statute, the petition is accompanied by an individual labor certification approved by the Department of Labor. The director determined that the petitioner had not established that it had the continuing financial ability to pay the beneficiary the proffered wage as of the priority date of the visa petition.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that "[a]n 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."

The petitioner's counsel filed an appeal on February 21, 2003 indicating that a brief/and or evidence would be submitted to the AAO within 30 days. There is no statement on the appeal form (I-290B Notice of Appeal) giving a reason for the appeal.

As of this date, more than twelve months later, no additional evidence or brief has been received to the record.

Inasmuch as the petitioner's representative has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.