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U.S. Citizenship  
and Immigration  
Services

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APR 28 2004

FILE: WAC 02 061 52492 Office: CALIFORNIA 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 preference visa petition was denied by the Director, California Service Center. The petition is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner seeks to employ the beneficiary permanently in the United States pursuant to Section 203(b)(3)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(i), which provides for the granting of preference classification to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing skilled labor (requiring at least two years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States. The director determined that the petitioner had not established its ability to pay the proffered wage as of the priority date and continuing until the beneficiary obtains lawful permanent residence.

On the appeal received on April 16, 2003, counsel for the petitioner indicates that he would be sending a brief and/or evidence to the [AAO] within 30 days. Additionally, counsel states that the petitioner has established that it has the ability to pay the proffered wage.

Counsel has filed no further brief or evidence with the director or the AAO, and more than the time allowed and requested has elapsed. Therefore, a decision will be made on the record as it is currently constituted.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that “[a]n office to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify an erroneous conclusion of law or statement of fact for the appeal.” Counsel does not identify, specifically, any erroneous conclusion of law or statement of fact. Hence, the appeal must be summarily dismissed.

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