

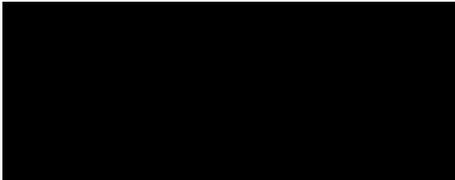
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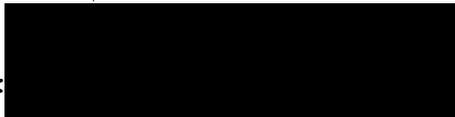
U.S. Citizenship  
and Immigration  
Services



FILE: EAC 02 102 51864 Office: VERMONT SERVICE CENTER

Date: **APR 28 2004**

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*  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The preference visa petition was denied by the Director, Vermont Service Center. The petitioner filed a motion to reopen, which was granted by the director, and the director's decision was affirmed. 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 a successor-in-interest relationship with the petitioning entity named on the labor certification form.

On the appeal received on April 22, 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:

Legal documentation demonstrating the change in ownership from Karta Container & Recycling [sic] to Karta Corp. and the assumption by Karta Corp. as successor-in-interest of the original employer of the rights, duties, obligations and assets of the original employer shall be provided.<sup>1</sup>

Counsel has filed no further brief or evidence with the director or the AAO, and more than the time allowed and requested has elapsed. 8 C.F.R. § 103.3(a)(2)(i) and (viii). Counsel does not identify, specifically, any erroneous conclusion of law or statement of fact. Hence, the appeal must be summarily dismissed. 8 C.F.R. § 103.3(a)(1)(v).

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

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<sup>1</sup> Counsel also states that proof of the petitioner's ability to pay the proffered wage in 2002 and thereafter would also be provided.