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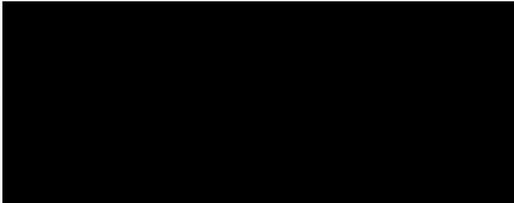


U.S. Citizenship
and Immigration
Services

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FEB 24 2004



FILE: WAC 02 139 50673 Office: CALIFORNIA SERVICE CENTER Date:

IN RE: Petitioner:
Beneficiary:



PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 103(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:

SELF REPRESENTED

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, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner seeks to classify the beneficiary 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 garment manufacturer. It seeks to employ the beneficiary permanently in the United States as a sample maker. 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 financial ability to pay the beneficiary the proffered wage as of the priority date of the visa petition and continuing to the present. The director also concluded that the petitioner failed to establish that the beneficiary met the requirements of the position offered.

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 filed an appeal on October 25, 2002. The petitioner indicated on part 2 of the Form I-290B appeal that it would send a brief and/or evidence within 30 days. Part 3 of the Form I-290B providing for a brief statement of the reason for the appeal indicated only that a brief and evidence would be submitted within 30 days.

More than one year has passed since the filing of the appeal and no additional information has been submitted by petitioner in support of the appeal. The petitioner has failed to specifically identify 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.