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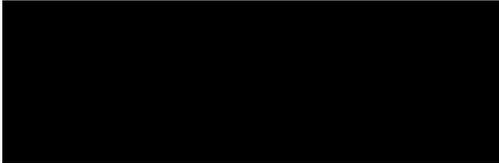
U.S. Department of Homeland Security

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Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass. 3/F  
425 I Street N.W.  
Washington, D.C. 20536



File: SRC 01 176 52364 Office: Nebraska Service Center

Date: **MAR 16 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 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 employment-based visa petition was denied by the Director, Nebraska Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is engaged in physical therapy and acupuncture. It seeks classification of the beneficiary as a preference immigrant 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), as a skilled worker. The director determined that the petitioner had not established its ability to pay the proffered wage or that the beneficiary was qualified to perform the duties of a physical therapist, and denied the petition accordingly.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An 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.

On appeal, filed September 18, 2002, counsel states that the petitioner had withdrawn the offer of employment to the beneficiary, and that a new employer had filed another petition for the beneficiary. Counsel does not identify specifically an erroneous conclusion of law or statement of fact as a basis for the appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states that 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.

It is noted for the record that on April 26, 2002, another employer through the same counsel filed a petition (LIN 02 170 53784) on behalf of the beneficiary which was approved by the director on June 9, 2003.

In the case before AAO, counsel has not addressed the reasons stated for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

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