



U.S. Citizenship
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FILE: WAC-02-168-51144 Office: CALIFORNIA SERVICE CENTER Date: APR 08 2003

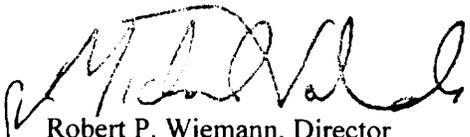
IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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:
[Redacted]

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

CC: [Redacted]

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be 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 director denied the petition because the petitioner failed to demonstrate a continuing ability to pay the proffered wage beginning on the priority date.

On appeal, a new attorney, [REDACTED] filed the Form I-290 without submitting a Form G-28, Notice of Entry of Appearance as Attorney or Representative, signed by the petitioner to evidence that she is authorized by the petitioner to represent it according to 8 C.F.R. 292.4 and 292.5. Thus, the AAO is recognizing counsel with a properly completed and signed G-28 in the record of proceeding evidencing his representation of the petitioner, [REDACTED] indicated on the appellate form that she represents the petitioner and merely stated that the director "made [sic] factual mistake and erred in finding that the employer can not pay the proffered wages of the employee," with an indication that she would submit a brief and/or evidence to the AAO within 30 days.

[REDACTED] the appeal December 17, 2003. As of this date, almost 18 months later, the AAO has received nothing further.

As stated in 8 C.F.R. § 103.3(a)(1)(v), 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.

The petitioner here has not specifically addressed the reasons stated for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.