



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
EAC 03 218 50208

Office: VERMONT SERVICE CENTER

Date:

AUG 08 2005

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

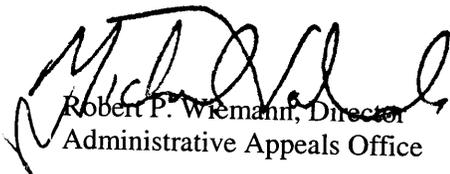
PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:



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, Vermont 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 on February 24, 2004. The director found the petitioner failed to demonstrate a continuing ability to pay the proffered wage beginning on the priority date.

Petitioner filed an appeal on March 29, 2004. In Section 3 of Form I-290B, petitioner stated:

Although ... [petitioner] adequately addressed the matter at hand in the Notice of Action, my office will submit additional evidence from the business accountant. The accountant will need to look through his files and he will submit the documents to my office.

Counsel also indicated she was submitting a separate brief and/or evidence to the AAO. Since no brief or evidence was received by the AAO, a facsimile transmission (fax) was sent to counsel dated July 18, 2005, requesting "...a copy of additional evidence and/or a brief be sent to the Administrative Appeals Office by mail or fax within five business days."

As of this date 16 months after the appeal, 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 conclusions of law or statement of fact for the appeal.

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

ORDER: The appeal is dismissed.