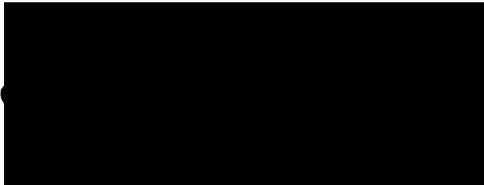


identifying and wanted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



B6

FILE: [REDACTED] Office: VERMONT SERVICE CENTER

Date:

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

AUG 1 2006

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:

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

CC: [REDACTED]

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 5, 2004. The director found the petitioner failed to demonstrate a continuing ability to pay the proffered wage beginning on the priority date, and, failed to establish that the beneficiary is qualified to perform the duties of the proffered position.

Petitioner filed an appeal on March 8, 2004. In Section 3 of Form I-290B, petitioner stated:

“Time is needed to consult with an attorney so a brief can be submitted along with the required evidence.”

Counsel also requested 120 days to submit a brief and/or evidence to the AAO. Since no brief 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.