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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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**JAN 18 2005**

FILE:

WAC 03 060 50981

Office: CALIFORNIA SERVICE CENTER

Date:

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:

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*  
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 (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 determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition. Accordingly, the director denied the petition.

On appeal, the petitioner states that a brief and/or evidence will be submitted to the Administrative Appeals Office (AAO) within 30 days, and that Citizenship and Immigration Services (CIS) erred in finding that the petitioner did not have the ability to pay the beneficiary's proffered wage.<sup>1</sup> The petitioner did not date the appeal; however, CIS received it on November 28, 2003. As of this date, more than twelve 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. While the petitioner states on Form I-290B that CIS erred in its findings, the petitioner does not specifically address the reasons stated for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> Although the file contains a G-28 for Marlee Aybar signed by the beneficiary, the regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B) states that affected parties, namely those persons or entities with legal standing in a proceeding, do not include beneficiaries of visa petitions. The regulation at 8 C.F.R. § 103.3(a)(2)(v) then states that appeals must be rejected as improperly filed if filed by persons not entitled to file them. Both the petitioner and the beneficiary signed the I-290B Notice of Appeal, and the petitioner does have legal standing to file such an appeal. Therefore, the appeal will not be viewed as improperly filed; however, it is viewed as self-represented.