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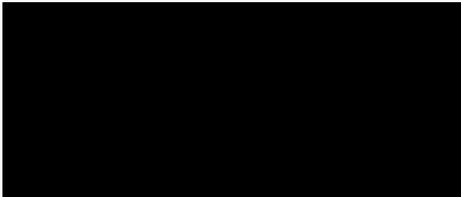
FILE: EAC 02 196 52204 Office: VERMONT SERVICE CENTER

Date: JUN 07 2005

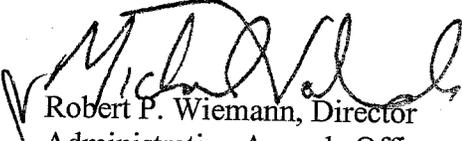
IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

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:



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 January 30, 2004. The director found the petitioner failed to demonstrate a continuing ability to pay the proffered wage beginning on the priority date.

Counsel filed an appeal on November 21, 2003. As a reason for the appeal, counsel stated:

“The Petitioner did submit sufficient evidence of the ability to pay the offered salary, including three Form 1090s showing an income of \$209,587.76. His 2001 U.S. Tax Return was not ready at the time. (More financial documentation will be submitted to the AAO to demonstrate the ability to pay the offered salary.)”

Counsel also requested 30 days to submit a brief and/or evidence to the AAU (now called the AAO). Since no brief was received by the AAO, a facsimile transmission (fax) was sent to counsel dated May 23, 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 18 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.