

identifying data deleted to
prevent unauthorized
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

BU



PUBLIC COPY

MAY 03 2005

FILE: WAC 03 148 54771 Office: CALIFORNIA SERVICE CENTER Date:

IN RE: Petitioner:
Beneficiary:



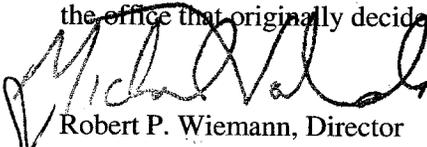
PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:

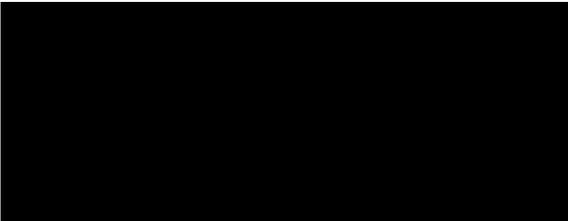


INSTRUCTIONS:

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:



DISCUSSION: The service center director denied the employment-based immigrant visa petition, and the matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(3)f the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3) as a professional. The director determined that the petitioner had not established that the corporation to whom the petitioner was a successor in interest had the ability to pay the proffered wage as of December 16, 1998 to the November 1999 merger of the original petitioner with the present petitioner.

On appeal, prior counsel states that the client is gathering additional information for the appeal, and that the holiday break had caused delays. Counsel states that she needs 30 days to submit a brief and/or evidence to the AAO. Counsel dated the appeal December 24, 2003. As of this date, more than 16 months later, the AAO has received nothing further from the prior counsel. On February 28, 2005, the AAO did receive correspondence and a G-28 from the current attorney of record.

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. Prior counsel here has not specifically addressed the reasons stated for denial and has not provided any additional evidence. She has not even expressed disagreement with the director's decision. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.