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U.S. Citizenship
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Services

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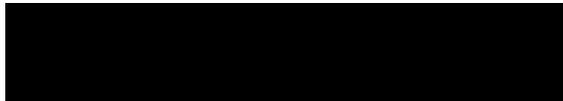


B6

FILE: WAC 03 063 51173 Office: CALIFORNIA SERVICE CENTER

Date **MAY 23 2005**

IN RE: Petitioner:
Beneficiary:



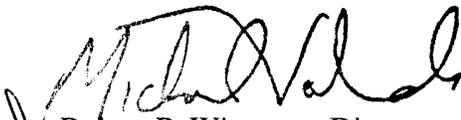
PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

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

DISCUSSION: The preference 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 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 February 26, 2004. As a reason for the appeal, counsel stated:

“Please, note we are requesting an additional 45 days. The petitioner is requesting this additional time to finish, 2003, tax returns, And [sic] some additional evidence from the year 2001.”

Counsel also requested 45 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 2, 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.”

Counsel responded by return fax stating he was not filing a brief, and he also stated:

“Please note we could not file a brief because employer (petitioner) is still waiting for his income taxes. He had originally file extension. He states that as soon as he gets them, he will submit them....”

As of this date 14 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.