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**U.S. Citizenship
and Immigration
Services**

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FILE:



LIN 03 273 52940

Office: NEBRASKA SERVICE CENTER

Date: **OCT 21 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, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a wholesale distributor. It seeks to employ the beneficiary permanently in the United States as a systems analyst/programmer. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor, accompanied the petition.

The director denied the petition on April 22, 2004, concluding that the petitioner had failed to establish the beneficiary's requisite educational credentials.

The notice of appeal was filed on April 12, 2004, accompanied by a copy of the director's decision. Counsel merely states on the notice of appeal that the Service applied the law in error. "Complete argument in brief to follow."

Part 2 of the notice also indicates that counsel will submit a brief and/or or evidence to the AAO within 30 days. Counsel's cover letter submitted with the appeal also mentions that he has been retained in the case and that a brief will follow. As of this date, nothing further has been received to the record. In response to a recent facsimile inquiry from this office, counsel indicates that he did not submit a brief or evidence.

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.

This office is left with a bare statement on appeal that the director applied the law in error. This does not sufficiently identify a specific conclusion of law or statement of fact upon which a substantive appeal may be filed. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.