

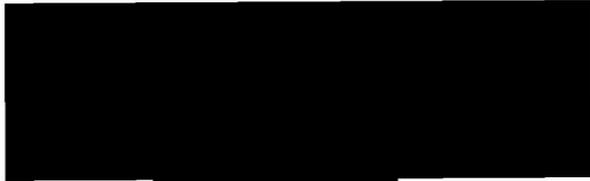


U.S. Citizenship
and Immigration
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: APR 04 2006
WAC 03 179 52915

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:



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. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a produce market. It seeks to employ the beneficiary permanently in the United States as a mechanic (trucks). As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor (DOL), accompanied the petition.

The director concluded that the petitioner had failed to establish its continuing ability to pay the proffered wage as of the visa priority date, and denied the petition on July 19, 2004.

The petitioner, through counsel, filed an appeal on September 2, 2004. Counsel indicates on Part 2 of the notice of appeal that he is submitting a brief and/or evidence to the AAO within 30 days. On Part 3 of the notice of appeal, counsel merely states, "see attachment letter." A letter from counsel, dated August 18, 2004, is submitted with the appeal. It indicates that the petitioner's officers are all on vacation and would provide pertinent information upon their return.

As of this date, more than nineteen months later, nothing further has been received.¹ 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.

A bare statement that more information will be forthcoming fails to 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.

¹ Nothing has been received in response to a recent fax inquiry.