

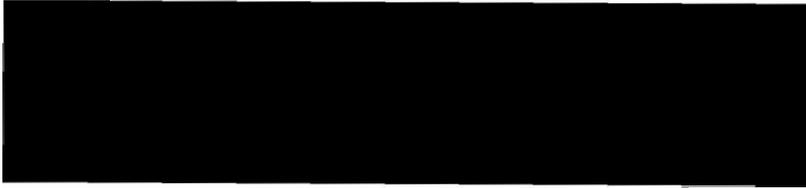


U.S. Citizenship
and Immigration
Services

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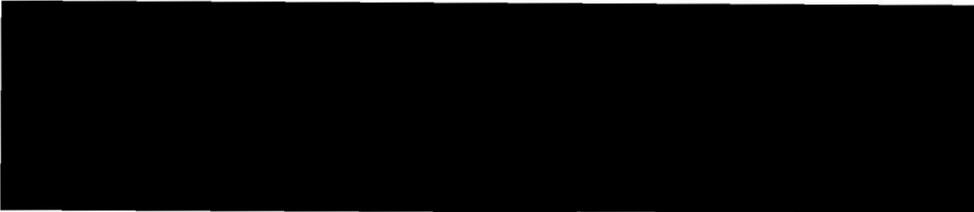
FILE: [REDACTED] Office: VERMONT SERVICE CENTER
EAC 03 214 51930

Date: APR 11 2006

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 Director, Vermont Service Center, denied the preference visa petition that is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a landscaping company. It seeks to employ the beneficiary permanently in the United States as a stonemason. The director determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition and denied the petition accordingly.

Two separate attorney firms have apparently represented the petitioner in this matter. Attorneys at a Centerville, Massachusetts firm, submitted the Form I-140 visa petition. They properly entered their appearance on a Form G-28, Notice of Entry of Appearance.

In an October 1, 2004 letter submitted with the appeal in this matter, however, the petitioner's president stated that the petitioner has retained new counsel. That substituted counsel did not submit a Form G-28. As such, this office declines to recognize substituted counsel. All representations will be considered, but the decision in this matter will be furnished only to the petitioner and its counsel of record.

On the I-290B form appeal the petitioner's president stated, "Please see letter attached hereto." The letter attached to that appeal, mentioned above, states that a fire destroyed the petitioner's records and that he has hired new counsel, and asks for 30 days to obtain records. The president states on the Form I-290B that the petitioner will require, in total, a 60-day continuance. The petitioner's president offered no other information, argument, or documentation.

On February 29, 2006 this office sent a facsimile transmission to the petitioner's president noting that no further information, argument, or documentation had been received during the 30-day extension of time requested, and asking whether he had submitted any such information, argument, or documentation. The petitioner was accorded five business days to respond, but did not.

The statement on appeal contains no assignment of error. The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part: "An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

The petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal and the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.