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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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FILE:

SRC 03 084 51557

Office: TEXAS SERVICE CENTER

Date: AUG 08 2006

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The Acting Director (Director), Texas Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily 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. On June 21, 2004, the director determined that the petitioner failed to establish its ability to pay the proffered wage and denied the petition accordingly.

On appeal, counsel indicated that he would submit a brief and/or evidence to the AAO within 90 days and stated the following:

The ability to pay the proffered wage to the prospective employee by the Petitioner was the only issue which the denial was based upon. The Petitioner respectfully appeals on this basis.

Counsel dated the appeal July 21, 2004. As of this date, more than 24 months later, the AAO has received nothing further. The AAO sent a fax to counsel on July 31, 2006, informing counsel that no separate brief and/or evidence was received to confirm whether or not he had sent anything else in this matter and, as a courtesy, providing him/her with five (5) days to respond, to which counsel made no reply. On August 7, 2006, when the AAO contacted counsel, counsel confirmed that he would not be sending, and had not sent, a brief or additional evidence in connection with the appeal.

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.

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

**ORDER:** The appeal is dismissed.