

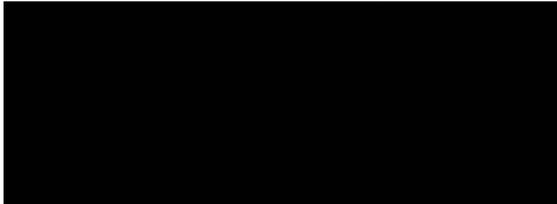
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U.S. Citizenship
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Services

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FILE: WAC-04-103-50694 Office: CALIFORNIA SERVICE CENTER Date: JUL 25 2006

IN RE: Petitioner:
Beneficiary



PETITION: 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: SELF-REPRESENTED

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 employment-based immigrant 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)f the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3), as a skilled worker/ professional. The director determined that the evidence failed to establish that the beneficiary had the experience required on the ETA 750, and denied the petition.

On the I-290B notice of appeal form, the reason or reasons for the appeal are to be stated in item 3. However, on the I-290B notice of appeal submitted in the instant case, item 3 is blank.

On the I-290B notice of appeal form item 2 contains four check blocks concerning the possible submission of a brief and/or additional evidence on appeal. The instructions on the form state "Please check the one block which applies." The first block is to be checked if no separate brief or evidence is being submitted. The second block is to be checked if a separate brief and/or evidence is being submitted with the I-290B form. The third block is to be checked if the petitioner is sending a brief and/or evidence to the AAO within thirty days. The fourth block is to be checked if the petitioner needs additional time to submit a brief and/or additional evidence, beyond the thirty days allowed by checking block number three. The following words appear on the form as part of the language indicated by block number four: "*(May be granted only for good cause shown. Explain in a separate letter.)*"

On the instant I-290B form, the petitioner's owner checked block number four, and entered 60 days as the period of time needed in order to submit a brief and/or additional evidence. The I-290B form is signed by the petitioner's owner and is dated December 2, 2004. With the I-290B, the petitioner's owner submitted a separate letter dated December 2, 2004 explaining the need for 60 days to submit a brief and/or additional evidence. In the letter, the owner describes his recent travel outside of the country, his communications with a potential attorney for representation on appeal, and the request of that attorney for a period of 60 days to prepare and submit a brief and/or evidence to the AAO.

Nothing in the December 2, 2004 letter addresses the merits of the director's decision nor offers any reasons for the appeal. No other documents were submitted with the I-290B notice of appeal. To date, more than nineteen months after the petitioner's owner signed the I-290B form, no further documentation has been received.

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.

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

ORDER: The appeal is dismissed.