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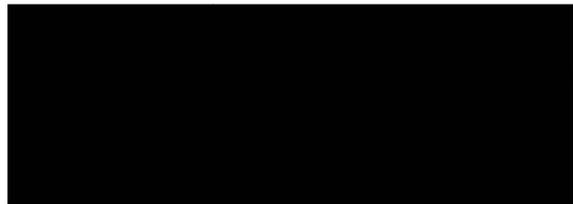
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

B6

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FILE:

EAC-03-257-53673

Office: VERMONT 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:



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, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be 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/ professional. The director determined that the evidence failed to establish the petitioner's ability to pay the proffered wage as of the priority date and continuing until the beneficiary obtains lawful permanent residence.

On the I-290B notice of appeal, in block 3, counsel stated the reasons for the appeal as follows:

The District Director erred in denying the petition for the beneficiary to to [sic] classify under Section 203(b)(3)(A)(i) of the INA.

The petitioner has the ability to pay the proffered wage of \$16.14 per hr. On June 29, 2004 the director requested for Income tax returns for years 2001, 2002, 2003. The letter from Accountant was submitted as the employer was out on vacation. The tax returns will be submitted within ninety days. The petitioner is confident that the employee shall prevail on the appeal.

(I-290B, block 3).

On the I-290B, signed by counsel on October 19, 2004, counsel checked the fourth box in block 2, indicating that he would be sending a brief and/or evidence to the AAO within a period greater than 30 days, and he wrote in 90 days as the period within which such documents would be submitted. However, no further documents have been received by the AAO to date, more than 20 months later.

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. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.