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File: [redacted] Office: VERMONT SERVICE CENTER Date: JUL 27 2006

EAC-03-156-50853

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:

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 Acting Director (Director), Vermont 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. The director determined that the petitioner failed to establish its ability to pay the proffered wage and denied the petition accordingly.

On appeal, counsel had indicated that he would submit a brief and/or evidence to the AAO within 120 days and stated the following: "The service erroneously decided that the petitioner did not have the ability to pay the offered wages as of April 2001. The company clearly had sufficient cash flow and/or assets to pay \$25,376/ year to a worker in the sponsored position."

Counsel dated the appeal June 25, 2004, and the appeal was received June 28, 2004. As of this date, more than two years later, the AAO has received nothing further. The AAO sent a fax to counsel on May 11, 2006 informing counsel that no separate brief and/or evidence was received, and to confirm whether or not he would send anything else in this matter. As a courtesy, the AAO provided him with five (5) days to respond. Counsel responded that he no longer represented the petitioner and that the petitioner had retained other counsel in April 2005 for this matter. No party has submitted documentation to the AAO related to this appeal since filing Form I-290B two years ago.

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.

Neither former counsel or the petitioner here has specifically addressed the reasons stated for denial, as to how the evidence contained in the file shows the petitioner's ability to pay, and further, no additional evidence has been provided to show the petitioner's ability to pay. The points to be raised in the additional brief were never submitted, so that there is no new basis or new facts for reconsideration. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.