



U.S. Citizenship
and Immigration
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FILE: [redacted]
WAC-04-213-54183

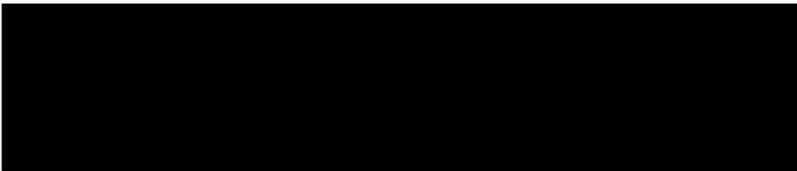
Office: CALIFORNIA SERVICE CENTER

Date: **MAR 03 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 preference visa petition was denied by the Acting Director (director), California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a manufacturer of automated electroplating equipment. It seeks to employ the beneficiary permanently in the United States as an electrical engineer. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor, accompanied the petition. 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.

On appeal, counsel indicated that she would submit a brief and/or evidence to the AAO within 30 days and stated the following: "Please see brief to follow within 30 days."

Counsel dated the appeal September 1, 2005. As of this date, more than 5 months later, the AAO has received nothing further. The AAO sent a fax to counsel on February 7, 2006 informing counsel that no separate brief and/or evidence was received to confirm whether or not she would send anything else in this matter, and as a courtesy, providing her with five (5) days to respond. Counsel returned the form checking a box that she did not file a brief or evidence in support of the appeal as she indicated on the Form I-290B without any additional comment concerning the substantive or procedural aspects of the case.

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. She has not even expressed disagreement with the director's decision. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.