

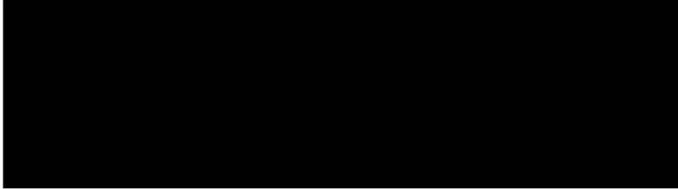
identifying and decision to
prevent clearly unwarranted
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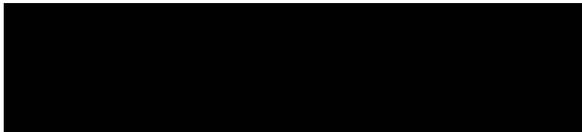


FILE: EAC 04 180 50793 Office: VERMONT SERVICE CENTER Date: MAR 21 2006

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 employment-based immigrant visa petition was denied by the Director, Vermont 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) 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 had not established its ability to pay the proffered wage continuously from the priority date.

On appeal, counsel merely stated that he would submit a brief and/or evidence to the AAO within 30 days.

Counsel dated the appeal October 20, 2004. As of this date, more than 17 months later, the AAO has received nothing further. On March 6, 2006, the AAO faxed counsel an inquiry asking counsel whether he had sent the brief and/or additional evidence, as promised, to which counsel reply made no reply.

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 expressed disagreement with the director's decision. The appeal must therefore be summarily dismissed.**

ORDER: The appeal is dismissed.