



U.S. Citizenship
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Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: MAR 24 2006
EAC 04 101 50007

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)

IN 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, Director
Administrative Appeals Office

DISCUSSION: The 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.

The file contains correspondence from [REDACTED] purporting to represent the petitioner. That attorney filed a G-28 Notice of Entry of Appearance on behalf of the beneficiary but did not file a Form G-28 in this matter on behalf of the petitioner. The record contains no indication that the petitioner has agreed to be represented by counsel. On December 14, 2004, the director notified the petitioner that the appeal had been filed without a properly executed Form G-28, and requested petitioners submit such a form directly to the AAO. However, the AAO has received no such form. Accordingly, all representations will be considered, but the decision will be furnished only to the petitioner.

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

The denial was based in erroneous and/or incomplete information; as well be evidenced [sic] by the material to be submitted within thirty (30) days.”

Counsel dated the appeal August 17, 2004. As of this date, more than 19 months later, the AAO has received nothing further. The AAO sent a fax to counsel on March 6, 2006, informing counsel indicating that the AAO had received no further brief or evidence, and asking counsel to confirm whether or not he had previously sent anything else in this matter since filing the Form I-290B. The AAO, as a courtesy, provided him with five (5) days to respond. To date, more than two weeks later, the AAO had received 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, nor has he expressed disagreement with the director's decision. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.