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U.S. Citizenship
and Immigration
Services

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File: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: **OCT 27 2006**
WAC-03-245-54577

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:



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), California 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 or demonstrate that the beneficiary is qualified to perform the duties of the proffered position and denied the petition accordingly.

On appeal, counsel indicated that he would submit a brief and/or evidence to the AAO within 30 days and stated that necessary documentation would be difficult to procure along with a responsive explanation to one of the director's concerns about inconsistent representations made by the beneficiary on a form submitted in connection with a separate matter.

Counsel dated the appeal May 27, 2005. As of this date, more than 16 months later, the AAO has received nothing further. The AAO sent a fax to counsel on October 3, 2006 informing counsel that no separate brief and/or evidence was received to confirm whether or not he would send anything else in this matter, and as a courtesy, providing him with five (5) days to respond. In response, counsel faxed reply stating that he did not file a brief and requesting "that the appeal in this case be dismissed."

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 has not specifically expressed disagreement with the director's decision and has requested the appeal to be dismissed. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.