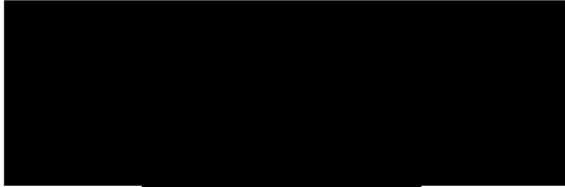


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U.S. Citizenship
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Services

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PLO

FILE: [REDACTED]
SRC 05 198 50855

Office: TEXAS SERVICE CENTER Date: APR 09 2007

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, Chief
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Texas Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a hospitality firm. It sought to employ the beneficiary permanently in the United States as a hair artist. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor (DOL), accompanied the petition. The beneficiary was requested as a substitute for the original beneficiary named on the ETA 750.

The director concluded that the petitioner had failed to establish that the beneficiary was eligible to be considered as a substitute for the beneficiary named on the original labor certification. Thus, the director denied the petition on October 27, 2005.

The petitioner, through counsel, filed an appeal on November 28, 2005. Counsel indicates on Part 2 of the notice of appeal that he would be submitting a brief and/or evidence in support of the appeal to the AAO within 30 days. On Part 3 of the notice of appeal, counsel reiterates that he requests 30 days to submit a brief that would present the reasons for the appeal and would contain the relevant exhibits in support of the appeal. He makes no further statement on appeal.

As of this date, more than fifteen months later, nothing further has been received. In response to a recent facsimile inquiry from the AAO regarding this brief, counsel submitted a signed statement that indicated that he did not file a brief or evidence in support of the appeal as he had noted he would on the Form I-290B.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or statement of fact beyond a bare assertion as a basis for the appeal, the regulation mandates the summary dismissal of the appeal.

ORDER: The appeal is dismissed.