



U.S. Citizenship
and Immigration
Services

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FILE:

EAC 05 233 52654

Office: VERMONT SERVICE CENTER

Date: APR 24 2007

IN RE:

Petitioner:

Beneficiary:

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 for

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a restaurant. 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 specialty cook. The director determined that the petitioner had not established its ability to pay the proffered wage as of the July 23, 2001 priority date and denied the petition accordingly. .

On appeal, counsel merely stated that the petitioner did have adequate resources to pay the proffered wage not considered by Citizenship and Immigration Services (CIS), and that he would submit a brief and/or evidence to AAO within 30 days.

Counsel did not date the appeal; however, the Form I-290B was received by CIS on April 28, 2006. As of this date, more than eleven months later, the AAO has received nothing further. On March 12, 2007, the AAO sent a fax to counsel to informing him that no separate brief and/or evidence was received to confirm whether or not counsel would send anything else in this matter, and as a courtesy, providing him with five days to respond. To date, more than one month later, no reply has been received.

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. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.