



U.S. Citizenship  
and Immigration  
Services

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File: [REDACTED]  
WAC-05-204-54801

Office: CALIFORNIA SERVICE CENTER Date: **JUL 17 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 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 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 could not demonstrate its ability to pay the proffered wage from the time of the priority date until the beneficiary obtained permanent residence.

On appeal, counsel provided, "Our office is hereby appealing the erroneous decision issued by [Citizenship and Immigration Services] denying the I-140 immigrant petition filed by petitioner." The petitioner did not submit any documentation or evidence with the appeal. Instead, the petitioner indicated that it would send a brief within 30 days.

The appeal was filed on March 20, 2006. As of this date, more than fifteen months after filing the appeal, the AAO has received nothing further. On June 28, 2007, the AAO sent counsel a fax allowing the petitioner to supplement the record with a brief as originally indicated. Counsel did not respond to the fax.

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.

The petitioner here has not addressed the reasons stated for denial and has not provided any additional evidence related to the issue of the petitioner's ability to pay the beneficiary the proffered wage, the basis on which the petition was denied. Further, the petitioner has failed to identify the specific erroneous conclusion of law. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.