

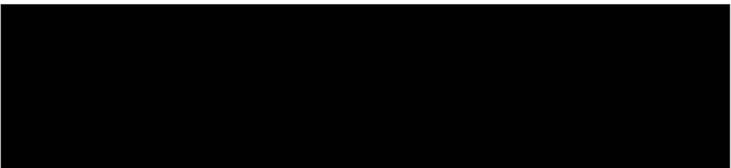
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**U.S. Citizenship
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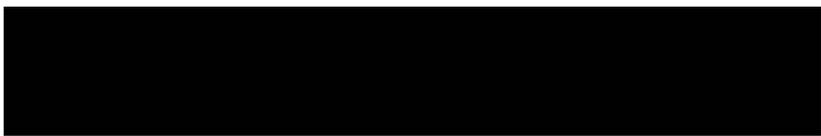


File: LIN-05-800-53845 Office: NEBRASKA SERVICE CENTER Date: JUL 17 2007

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, Nebraska 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 beneficiary the proffered wage from the priority date until the beneficiary obtains permanent residency. Further, the director noted that the record reflected that the petitioning business was established approximately one and one half years after filing the labor certification.

On appeal, the petitioner provided, “petitioner respectfully disagrees with [Citizenship and Immigration Services] evaluation of petitioner’s financial ability to pay the prevailing wage.” 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 April 11, 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.

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.