



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER
LIN 04 229 51319

Date: MAR 19 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, Chief
Administrative Appeals Office

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

The petitioner is an information technology services company. It seeks to employ the beneficiary permanently in the United States as a software engineer. As required by statute, the petition is accompanied by a Form ETA 750, Application for Alien Employment Certification, approved by the Department of Labor. The director determined that the petitioner had not established that the beneficiary is qualified to perform the duties of the proffered position because he did not have a single source four-year bachelor's degree or the equivalent foreign degree that would be the equivalent of a U.S. bachelor's degree in the major fields of study stipulated on the Form ETA 750. The director denied the petition accordingly.

On appeal, counsel states that the director erred in finding that the beneficiary's formal education was not the foreign degree equivalent of a U.S. bachelor's degree. Counsel states that she would submit a brief and/or evidence to the AAO within 30 days. Counsel dated the appeal August 11, 2005. As of this date, more than 18 months later, the AAO has received nothing further.¹

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.

¹ On February 12, 2007, the AAO submitted a fax to counsel asking whether a brief or evidence had been submitted to the record in a timely manner. Counsel indicated in her faxed response that she had not submitted a brief or evidence in support of the appeal.