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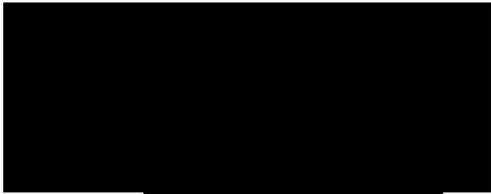
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date: OCT 01 2007

EAC-04-061-50416

IN RE:

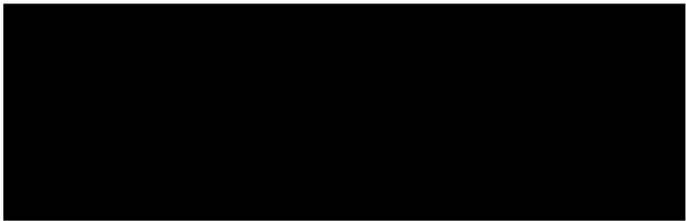
Petitioner:

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 Acting Director (Director), Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a distributor of proprietary line of German hobbies/crafts. It seeks to employ the beneficiary permanently in the United States as a manufacturer's representative (technical sales representative). As required by statute, the petition is accompanied by a Form ETA 750, Application for Alien Employment Certification, approved by the Department of Labor with a priority date of July 2, 2002. After a complete review of the response to the request for evidence (RFE) issued on April 13, 2004, the director determined that the petitioner failed to provide evidence to establish that the beneficiary meets the educational requirements or possesses the required work experience as stated on the labor certification, and that the record did not establish that the petitioner had the continuing ability to pay the proffered wage of \$54,000 per year beginning the priority date of July 2, 2002 until the present. On November 21, 2005, the director denied the petition accordingly.

Counsel filed an appeal on December 23, 2005 without a brief and/or evidence. On the Form I-290B, counsel indicated that she would be submitting a separate brief and/or evidence to the AAO within 30 days. Since the AAO has received nothing further, the AAO sent a fax to counsel on August 27, 2007 informing counsel that no separate brief and/or evidence was received to confirm whether or not she would send anything else in this matter, and as a courtesy, providing her with five (5) days to respond. On September 4, 2007, counsel responded the AAO's August 27, 2007 fax indicating that she did not file a brief or evidence in support of the appeal as she indicated on the Form I-290B.

On the Form I-290B, counsel states the reason for the appeal as follows:

We do not agree with USCIS's position regarding our evidence in support of [the beneficiary]'s educational credentials. We also do not agree with USCIS's determination that the petitioner has not demonstrated the ability to pay the offered wage.

The appeal has not specifically addressed the reasons stated for denial and has not provided any additional evidence. 8 C.F.R. § 103.3(a)(1)(v) states that 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. Since 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 summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).