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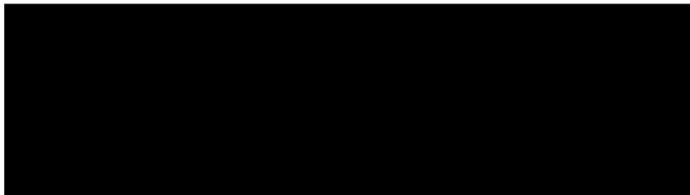
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
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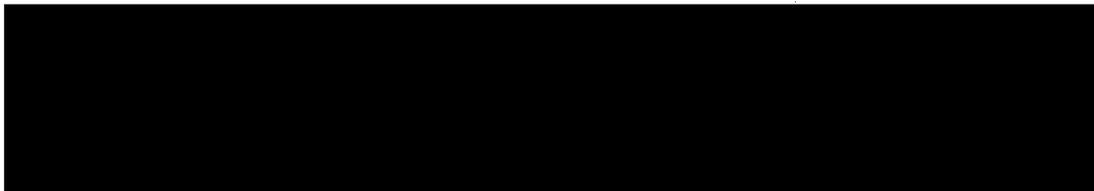
File: [Redacted]
SRC-07-045-51915

Office: TEXAS SERVICE CENTER Date: JAN 02 2008

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, Texas Service Center (“director”), denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily 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 failed to establish its ability to pay the proffered wage and denied the petition accordingly.

On appeal, counsel indicated that he would submit a brief and/or evidence to the AAO within 30 days and stated the following: “The director of the Texas Service Center erred as a matter of law and fact in denying the instant petition on the grounds that the petitioner did not have the ability to pay the beneficiary the proffered wage from the time of the establishment of the priority date until the date of the decision.”

Counsel dated the appeal September 7, 2007, and the appeal was received September 10, 2007. As of this date, more than three months later, the AAO has received nothing further. The AAO sent a fax to counsel on December 5, 2007 informing counsel that no separate brief and/or evidence was received, and to confirm whether or not he would send anything else in this matter. As a courtesy, counsel was provided with five (5) days to respond. Counsel responded that he did not file a brief or evidence as provided on Form I-1290B.

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 for the denial and has not provided any additional evidence to overcome the basis for denial. He has not provided how the director erred in his interpretation of the facts or the law, or specifically what facts the petitioner can present to demonstrate the petitioner’s ability to pay the proffered wage. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.