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**U.S. Citizenship
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FILE: [REDACTED]
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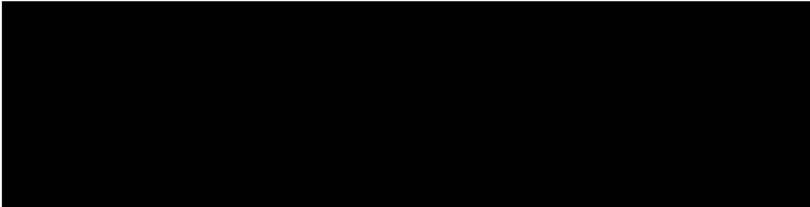
Office: NEBRASKA SERVICE CENTER

Date: **SEP 17 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 preference visa petition was denied by the Acting Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is an electronic voting systems company. It seeks to employ the beneficiary permanently in the United States as an international sales engineer. As required by statute, the petition is accompanied by a Form ETA 9089, Application for Permanent Employment Certification, approved by the United States Department of Labor (DOL). The director determined that the petitioner had not established that she holds a bachelor's degree or the educational equivalent. The director denied the petition accordingly.

The petitioner submitted a Form I-290B appeal in this matter. In the section reserved for the basis of the appeal, the petitioner inserted,

“The Acting Director failed to take into consideration various legacy INS letters of guidance as well as precedential case law and regulations in reaching its decision that Ms. [REDACTED] is not eligible for employment based third preference treatment based on the PERM labor certification filed by [REDACTED] on her behalf.”

On appeal, counsel indicated that she would submit a brief and/or evidence to the AAO within 30 days.

Counsel dated the appeal November 21, 2006. As of this date, more than 17 months later, the AAO has received nothing further. The AAO sent a fax to counsel on April 1, 2008 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 days to respond. Counsel did not respond.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part: “An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

The petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal and the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.