



U.S. Citizenship  
and Immigration  
Services

B7

FILE: [REDACTED]  
WAC 07 055 51990

Office: CALIFORNIA SERVICE CENTER Date: FEB 12 2009

IN RE: Petitioner: [REDACTED]

PETITION: Immigrant Petition by Alien Entrepreneur Pursuant to Section 203(b)(5) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(5)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

  
John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification as an alien entrepreneur pursuant to section 203(b)(5) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(5). The director concluded that the petitioner had not demonstrated a qualifying investment and that he had created or would create the necessary jobs for qualifying employees

On appeal, prior counsel stated that she would submit a brief and/or evidence to the Administrative Appeals Office (AAO) within 30 days. Subsequently, prior counsel submitted her notice of withdrawal, advising that the petitioner had obtained new counsel who would enter his or her appearance and submit a brief. The appeal was filed on October 11, 2007. Counsel withdrew as representative on February 4, 2008. As of this date, nearly one year later, this office has received nothing further from the petitioner or a new attorney.

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 and his former counsel have failed to specifically address the reasons stated for denial and have not provided any additional evidence. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.