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U.S. Citizenship
and Immigration
Services

B9



FILE: EAC 04 218 51615 Office: VERMONT SERVICE CENTER Date: **DEC 16 2005**

IN RE: Petitioner: 
Beneficiary:

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(P)(iii) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(P)(iii)

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, Director
Administrative Appeals Office

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

The petitioner is a restaurant seeking classification of the beneficiary under section 101(a)(15)(P)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(iii). The petitioner seeks to employ the beneficiary temporarily in the United States as a drummer.

The director denied the petition, finding that the petitioner failed to provide the required consultation. *See* 8 C.F.R. § 214.2(p)(6)(v).

On appeal, the petitioner states he needs additional time to find the proper person to give him the required consultation. On the appeal form, the petitioner indicated that he would submit additional evidence within 60 days of filing the appeal. More than 9 months have lapsed and nothing more has been submitted for the record.

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.

Inasmuch as the petitioner has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.