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U.S. Department of Homeland Security
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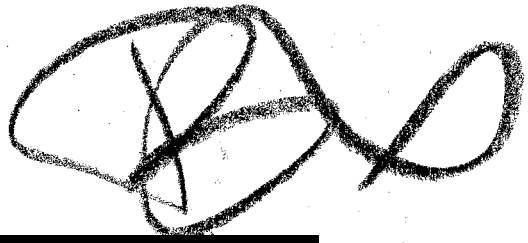
Washington, DC 20529

U.S. Citizenship and Immigration Services



[redacted]

FILE: WAC 02 286 51336 Office: CALIFORNIA SERVICE CENTER Date: JUL 27 2004

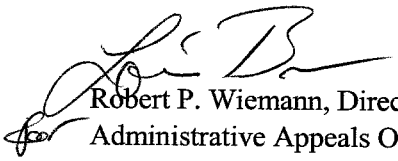
IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Skilled Worker or Professional Pursuant to Section 203(b) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)

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.



Robert P. Wiemann, Director
Administrative Appeals Office

CC: [redacted]

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 summarily dismissed.

The petitioner seeks to classify the beneficiary as an employment based immigrant pursuant to section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3), as a professional or skilled worker.[1] The petitioner sells oriental rugs. It seeks to employ the beneficiary as an Oriental rug repairer. As required by statute, the petition was accompanied by certification from the Department of Labor. The director denied the petition because he determined that the petitioner had not established its ability to pay the proffered wage from the priority date and continuing to the present.

The petitioner filed an appeal on April 28, 2003. Part 2 of the appeal form (I-290B Notice of Appeal) indicates that the petitioner will send a brief and/or evidence to the AAO within 30 days. The statement in Part 3 of the appeal form reads, in its entirety: "A brief will be submitted with evidence to AAU." As of this date, more than 15 months later, this office has received nothing further.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that "[a]n 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."

In this case, Citizenship and Immigration Services (CIS) has not received the brief alluded to above, and the petitioner has not specifically identified any erroneous conclusion of law or made a statement of fact for the appeal. Therefore, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.

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[1] 8 C.F.R. § 103.2(a)(3) specifies that a petitioner may be represented "by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter.'' In this case, the person listed on the G-28 is not an authorized representative.