U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

B6

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: SEP 15 2004

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: 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:

[redacted]

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

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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DISCUSSION: The preference 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 is a Halal meat market and grocery. It seeks to employ the beneficiary permanently in the United States as a Halal butcher. As required by statute, the petition is accompanied by an individual labor certification, the Application for Alien Employment Certification (Form ETA 750), approved by the Department of Labor. The director determined that the evidence failed to establish that the beneficiary had the required experience at the time the petition was filed, and denied the petition. The director relied primarily on a finding in a consular investigative report that a work experience letter from a purported former employer of the beneficiary in his home country was fraudulent.

On the Form I-290B Notice of Appeal, received December 23, 2003, counsel checked the block stating that he would be sending a brief and/or evidence to the AAO within thirty days.

On the notice of appeal counsel states that the beneficiary meets all of the minimum requirements for the position. With regard to the central issue in the director's decision concerning the finding that a letter attesting to the beneficiary's work experience was fraudulent, counsel's notice of appeal states merely, "[t]he Service further erred in doubting the truth and accuracy of the submitted evidence."

Counsel has filed no further brief or evidence with the director or the AAO, and more than the time allowed and requested has elapsed. 8 C.F.R. § 103.3(a)(2)(i) and (viii). Counsel does not identify, specifically, any erroneous conclusion of law or statement of fact. Hence, the appeal must be summarily dismissed. 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is dismissed.