



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: **MAY 23 2014** OFFICE: NEBRASKA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2) as a member of the professions holding an advanced degree. The director determined that the petitioner failed to demonstrate that it had the continuing ability to pay the proffered wage from the priority date onward.

On appeal, the petitioner explained that it had not yet received the director's decision but that it was filing an appeal because the online case status indicated that the director had mailed the decision denying the petition on January 9, 2014.

The appeal was filed on February 11, 2014. As stated above, the petitioner stated that it had not received the director's decision but that the online status inquiry indicated that the director had mailed the decision denying the petition on January 9, 2014. In order to comply with filing deadlines, the petitioner filed an appeal. The Notice of Appeal or Motion (Form I-290B) indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. The decision was mailed to the address given by the petitioner on the Form I-140, Immigrant Petition for Alien Worker. The record reflects that the Nebraska Service Center re-mailed the decision on February 26, 2014 to the same address as that used before and as provided on the Form I-140. The record does not reflect that either mailing was returned as undeliverable.

As of this date, more than 120 days after the decision was mailed and more than 60 days after the director's decision was re-mailed to the address provided by the petitioner, the AAO has received nothing further, and the regulation requires that any brief shall be submitted directly to the AAO. 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii).

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 failed to submit any additional brief or evidence, which specifically addressed the reasons stated for denial. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.