



U.S. Citizenship
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Services

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FILE:



Office: VERMONT SERVICE CENTER

Date:

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IN RE:

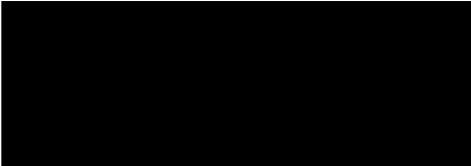
Petitioner:

Beneficiary:



PETITION: Immigrant 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:



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. It sought to employ the beneficiary permanently in the United States as a cook. As required by statute, the petition was accompanied by an individual labor certification approved by the Department of Labor.

The director denied the petition on October 5, 2004, concluding that the petitioner had failed to establish its continuing ability to pay the alien beneficiary's proffered wage.

The notice of appeal was filed on November 4, 2004, merely claiming that the petitioner has the ability to pay the proffered wage. Counsel further indicates on the notice that he would submit a brief and/or evidence to the Administrative Appeals Office (AAO) within thirty days.

As of this date, more than three months later, the AAO has received nothing further.

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.

Counsel's bare statement that the petitioner has the ability to pay the proffered wage does not provide a basis for a substantive appeal. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.