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U.S. Citizenship  
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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: **APR 14 2006**  
WAC 03 203 51640

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The preference visa petition was denied by the Director, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner is a mushroom grower. It sought to employ the beneficiary permanently in the United States as a quality control specialist. As required by statute, a Form ETA 750, Application for Alien Employment Certification approved by the Department of Labor (DOL), accompanied the petition. The beneficiary was requested as a substitute for the original beneficiary named on the ETA 750.

The director concluded that the petitioner had failed to establish its continuing ability to pay the proffered wage as of the visa priority date, and denied the petition on April 29, 2004.

The petitioner, through counsel, filed an appeal on May 28, 2004. Counsel indicates on Part 2 of the notice of appeal that she is submitting a brief and/or evidence to the AAO within 30 days. On Part 3 of the notice of appeal, counsel merely states that the petitioner has the ability to pay the proffered wage and that the petitioner's parent company will be able to provide support.

As of this date, more than twenty-two months later, nothing further has been received.<sup>1</sup> 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.

A bare statement that the petitioner has the ability to pay the proffered wage, without more, does not sufficiently identify a specific conclusion of law or statement of fact upon which a substantive appeal may be filed. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> Nothing has been received in response to a recent fax inquiry. Unrelated correspondence from the beneficiary's current counsel has been received related to a separate immigration claim. Following the issuance of this decision, the file will be forwarded to the appropriate office.