



U.S. Citizenship
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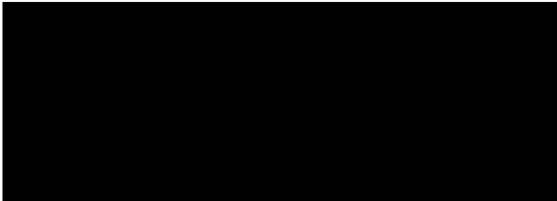


File: [Redacted] Office: VERMONT SERVICE CENTER Date: **AUG 22 2007**
EAC-05-089-53122

In re: Petitioner: [Redacted]
Beneficiary: [Redacted]

Petition: Immigrant petition for Alien Worker as an Other, Unskilled Worker pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

IN 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, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a bakery and bagel store. It seeks to employ the beneficiary permanently in the United States as a baker pursuant to section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3) as an unskilled worker. As required by statute, the petition is accompanied by a Form ETA 750, Application for Alien Employment Certification, approved by the Department of Labor (DOL). The director determined that the petitioner failed to establish that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition. The director denied the petition accordingly.

On the Form I-290B, counsel indicated that he would be submitting a separate brief and/or evidence to the AAO within 30 days. A letter dated August 12, 2005 submitted with the appeal by counsel's legal assistant also requested additional time to file a proper brief to support the petitioner's appeal. Counsel dated the appeal August 12, 2005. Since the AAO has received nothing further, the AAO sent a fax to counsel on June 20, 2006 informing counsel that no separate brief and/or evidence was received to confirm whether or not he would send anything else in this matter, and as a courtesy, providing him with five (5) days to respond. To date, more than two (2) months later, no reply has been received.

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 AAO's June 20, 2007 fax notice expressly informed counsel that "[f]ailure to respond to this notice within five business days may result in the summary dismissal of your appeal."

Counsel here has not specifically addressed the reasons stated for denial and has not provided any additional evidence. He has not even expressed disagreement with the director's decision. The appeal must therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed.