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U.S. Citizenship
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File: WAC-05-051-52817 Office: CALIFORNIA SERVICE CENTER Date: FEB 20 2007

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

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3) as a skilled worker. The director determined that the petitioner could not demonstrate its ability to pay the beneficiary the proffered wage from the priority date until the beneficiary obtains permanent residence. Further, the director determined that the petitioner failed to establish that the beneficiary had the required experience to meet the certified requirements of the ETA 750.

On appeal, counsel on behalf of the petitioner provided, "sufficient evidence was submitted to establish that the Beneficiary met the 2 year experience requirement. Sufficient documentation was submitted to establish the petitioner has had the ability to pay the proffered wage." The petitioner checked the form to indicate that it would submit a brief and/or evidence to the AAO within 30 days.

The appeal was filed on September 14, 2005. As of this date, more than sixteen months after filing the appeal, the AAO has received nothing further. A fax was sent to counsel on January 19, 2007, allowing the petitioner an additional five day time period to submit the brief indicated, or to allow counsel to acknowledge that no additional evidence was submitted. The fax indicated that failure to respond to the fax within five business days may result in the summary dismissal of the appeal. Counsel did not respond to the fax.

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 here has not addressed the reasons stated for denial, other than a general vague assertion that the petitioner submitted sufficient evidence related to the points raised in the denial, which is insufficient to state a cause. Further, the petitioner has not provided any additional evidence to identify the specific erroneous conclusion of law. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.