



U.S. Citizenship
and Immigration
Services



B4

FILE: [REDACTED]
SRC-07-125-50808

Office: TEXAS SERVICE CENTER

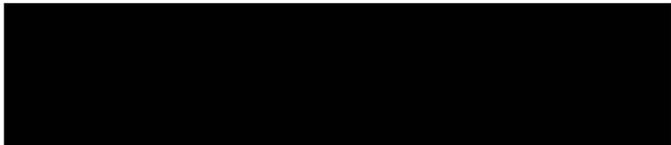
Date: **APR 13 2009**

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center, and 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)(3)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(i) as a skilled worker. The director determined that the petitioner failed to establish its continuing ability to pay the proffered wage from the priority date to the present. Accordingly, the petition was denied on September 30, 2008.

On October 31, 2008, counsel filed the instant appeal timely. On appeal, counsel merely stated that the petitioner has the financial ability to pay the beneficiary's proffered wage in 2001 through 2008. Counsel also indicated that in support of this affirmation he would send a legal brief and supporting evidence within 30 days.

The petitioner dated the appeal October 28, 2008. As of this date, more than five 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 here has not specifically addressed the reasons stated for denial and has not provided any additional evidence. *See* 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii). The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.