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U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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MAR 23 2010

FILE:

[REDACTED]  
LIN 07 116 53612

Office: NEBRASKA SERVICE CENTER

Date:

IN RE:

Petitioner:  
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).

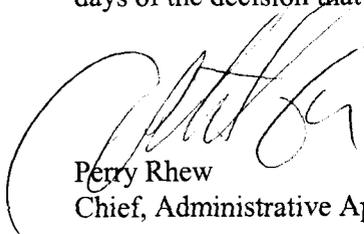
ON BEHALF OF PETITIONER:

[REDACTED]

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, as required by 8 C.F.R. § 103.5(a)(1)(i).

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification of the beneficiary as an employment-based immigrant pursuant to Section 203(b)(3)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(i), as an alien who is a member of the professions or a skilled worker. The director determined that the petitioner did not establish its ability to pay the proffered wage as found on the labor certification and denied the petition accordingly.

In a December 11, 2008 letter accompanying the petitioner's Form I-290B counsel stated only that the petitioner was appealing the matter and stated that "the brief will be filed within the next 30 days." To date, more than one year later, counsel has not submitted any brief or evidence. Neither this letter nor the Form I-290B contains any statement regarding the grounds for appeal.

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 addressed the stated reasons for denial, has not specifically identified any factual or legal errors in the director's decision and has not provided any additional evidence.

On the Form I-290B, counsel indicated that he would submit a brief or other evidence within 30 days of filing the appeal. That form was submitted on December 12, 2008. To date, the AAO has not received anything from counsel concerning this appeal. The regulation at 8 C.F.R. § 103.3(a)(2)(vii) states in pertinent part:

*Additional time to submit a brief.* The affected party may make a written request to the AAO for additional time to submit a brief. The AAO may, for good cause shown, allow the affected party additional time to submit one.

The regulation at 8 C.F.R. § 103.3(a)(2)(viii) states in pertinent part:

*Where to submit supporting brief if additional time is granted.* If the AAO grants additional time, the affected party shall submit the brief directly to the AAO.

Counsel, here, did not request any additional time beyond the 30 days listed on Form I-290B nor did counsel specifically identify any erroneous conclusion of law or statement of fact and has not provided any additional evidence on appeal to demonstrate that the has the ability to pay the proffered wage. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.