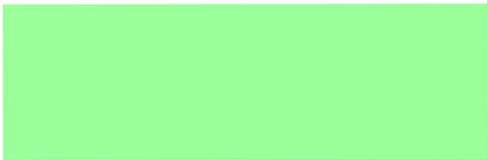




U.S. Citizenship  
and Immigration  
Services

(b)(6)



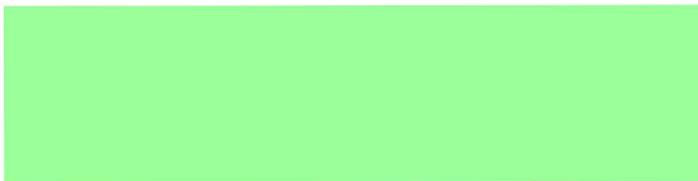
DATE: FEB 05 2013 OFFICE: TEXAS SERVICE CENTER

FILE:

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg  
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 as a professional or skilled worker pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3). The director concluded that the petitioner intended to employ the beneficiary at a geographic location outside of the terms of the labor certification and denied the petition accordingly. Citing 20 C.F.R. § 656.30(c)(2) and *Matter of Sunoco Energy Development Company*, 17 I&N Dec. 283 (Reg'l Comm'r 1979), the director's decision stated that a labor certification involving a specific job offer is valid only for the particular job opportunity and for the area of intended employment stated on the labor certification.

On the Form I-290B, Notice of Appeal or Motion, counsel marked box "B" in Part 2 to indicate, "I am filing an appeal. My brief and/or additional evidence will be submitted to the AAO within 30 days." At Part 3 of Form I-290B, in the space allotted to provide a statement of any erroneous conclusions of law or fact, counsel did not identify any alleged error by the director.

Counsel dated the appeal March 23, 2010. As of the date of this decision, the AAO has received nothing further, and the regulation requires that any brief shall be submitted directly to the AAO. 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii).

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

**ORDER:** The appeal is dismissed.