



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF Y-S-, INC.

DATE: JAN. 14, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, an IT services and consulting business, seeks to employ the Beneficiary as an advanced degree professional pursuant to section 203(b)(2)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2)(A). The Director, Texas Service Center, denied the petition based on his determination that the record did not establish that the Beneficiary held the advanced degree required by the labor certification. The matter is now before us on appeal. The appeal will be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

On August 13, 2015, U.S. Citizenship and Immigration Services (USCIS) received a timely appeal of the Director's decision. The August 10, 2015, letter accompanying the appeal indicated the Petitioner would submit a brief and additional documentation no later than September 9, 2015. However, as of this date, we have received no additional evidence from the Petitioner, nor have we received its brief, which regulation requires be submitted directly to this office. 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii).

The regulation at 8 C.F.R. § 103.3(a)(1)(v) requires that an appeal be summarily dismissed if the party concerned does not identify specifically any erroneous conclusion of law or statement of fact for the appeal. Here, the Petitioner submitted the Form I-290B, Notice of Appeal or Motion, but did not address the reasons for denial and has provided no evidence that would indicate the basis on which it finds the Director to have erred in reaching his decision. The Petitioner did not submit a statement regarding the basis for the appeal, as required by Part 4. of the Form I-290B. Therefore, the appeal must be summarily dismissed.

We also note that the Form I-290B in this matter was signed by the attorney who has previously represented the Petitioner in this matter. However, no new Form G-28, Notice of Entry of Appearance as Attorney or Representative, was submitted on appeal, as required by the regulation at 8 C.F.R. § 292.4(a), which applies to all appeals filed on or after March 4, 2010. *See* 75 Fed. Reg. 5225 (Feb. 2, 2010). The instructions to the Form I-290B also require that a "new [Form G-28] must be filed with an appeal filed with the Administrative Appeals Office [AAO]." Accordingly, the appeal has not been properly filed.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of Y-S-, Inc.*, ID# 15729 (AAO Jan. 14, 2016)