



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

MATTER OF S-I-

DATE: SEPT. 15, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a software consulting company, seeks to employ the Beneficiary as a software engineer. It requests classification of the Beneficiary as an advanced degree professional under the second preference immigrant classification. *See* Immigration and Nationality Act section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Nebraska Service Center denied the petition on the ground that the evidence did not establish the Petitioner's ability to pay the proffered wages of the instant Beneficiary and the beneficiaries of its other employment-based immigrant petitions.

The Petitioner filed a timely appeal on Form I-290B, Notice of Appeal or Motion. At Part 3.1.c. of the Form I-290B the Petitioner indicated that no supplemental brief and/or additional evidence would be submitted. Part 4 of the Form I-290B instructed the Petitioner, in pertinent part, as follows:

On a separate sheet of paper, **you must provide a statement** regarding the basis for the appeal or motion. You must include your name and A-number or USCIS ELIS Account Number on the top of each sheet.

Appeal: Provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed.

Despite these instructions, the Petitioner did not provide a statement regarding the basis for the appeal and did not identify any erroneous conclusion of law or fact in the decision. No brief or additional evidence has been received since the Petitioner filed the appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that an appeal shall be summarily dismissed "when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal." In accordance with the regulation we will summarily dismiss this appeal.

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

Cite as *Matter of S-I*, ID# 638260 (AAO Sept. 15, 2017)