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FILE: EAC 02 183 52040 Office: VERMONT SERVICE CENTER

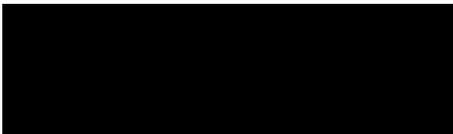
Date: JUN 21 21

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.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks to classify the beneficiary pursuant to Section 203(b)(3) of the immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3) as a skilled worker. The director denied the petition on July 10, 2003. The director found the petitioner failed to demonstrate a continuing ability to pay the proffered wage beginning on the priority date.

Counsel filed an appeal on August 9, 2003. As a reason for the appeal, counsel stated:

“The petitioner has the requisite financial capacity to pay the alien’s wage offer, based on the household income of the husband and the wife. The combined income for 1998 is \$142,969 (total income), and the combined taxable income for that year is \$105,378. This amount is way beyond the wage offer of \$23,400. Copies of the wife’s form 1040 for 1998 and 1999 are enclosed.”

Counsel also requested 30 days to submit a brief and/or evidence to the AAU (now called the AAO). Since no brief was received by the AAO, a facsimile transmission (fax) was sent to counsel dated June 13, 2005, requesting “...a copy of additional evidence and/or a brief be sent to the Administrative Appeals Office by mail or fax within five business days.”

Counsel asserted in pertinent part:

“The petitioner has the requisite financial capacity to pay the alien’s wage offer, based on the household income of the husband and wife. The combined income for 1998 is \$142,969.00”

The record of proceedings contains no information relating to the spouse of the petitioner, and, the only evidence submitted with the appeal was the same two tax returns (1998 and 1999) of the petitioner.

As of this date, 23 months after the appeal, 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 conclusions of law or statement of fact for the appeal.

The petitioner here has not specifically addressed the reasons stated for denial and he has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.