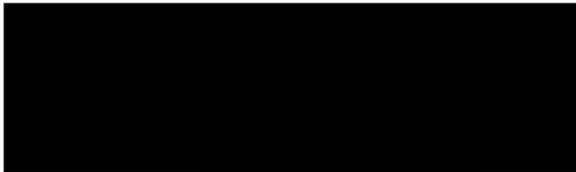


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FILE: [Redacted]  
EAC-04-154-52349

Office: VERMONT SERVICE CENTER

Date: JUL 25 2006

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

PETITION: 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, Chief  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office 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/professional. The director determined that the evidence failed to establish the petitioner's ability to pay the proffered wage in the year of the priority date.

On the I-290B, signed by counsel on October 6, 2004, counsel checked the block indicating that he would be sending a brief and/or evidence to the AAO within 30 days. However, no further documents have been received by the AAO to date.

In response to an inquiry by facsimile transmission by the AAO on April 6, 2006, counsel transmitted a return message by facsimile on April 7, 2006 stating that he did not file a brief or evidence as he indicated on the I-290B.

On the I-290B notice of appeal, in block 3, for the reasons for the appeal, counsel stated, "The service erred in denying the petition for the reason that the petitioner has no financial ability to pay the proffered [sic] wage."

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

**ORDER:** The appeal is dismissed.