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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

B4

File: [REDACTED]
EAC-04-026-50806

Office: VERMONT SERVICE CENTER

Date: OCT 19 2006

In re: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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:

[REDACTED]

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 Acting Center Director (“Director”), Vermont Service Center, denied the immigrant visa petition. The matter 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 determined that the petitioner could not document that the beneficiary had the experience required in the certified ETA 750A job offer, as the petitioner submitted no evidence to document the beneficiary’s prior skills.

On appeal, counsel merely stated that “Petitioner seeks review of the Citizenship and Immigration Services’ November 8, 2004 decision on a de novo basis. Petitioner will supply evidence and argument which will demonstrate that he possessed the required two years of work experience as a cement mason or cement mason’s helper as of the priority date as was stated in the original I-140 petition.”

The appeal was filed on December 13, 2004. As of this date, more than twenty months after filing the appeal, the AAO has received nothing further. On September 20, 2006, the AAO faxed counsel and allowed the petitioner an additional opportunity to submit evidence within a five day time period. The petitioner did not respond, or submit any additional documentation.

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.

A review of the underlying record shows that the petitioner sent no evidence to document that the beneficiary met the requirements of the certified ETA 750. The petition was accordingly denied. On appeal, counsel has not provided any additional evidence to overcome the reason for denial. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.