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U.S. Citizenship
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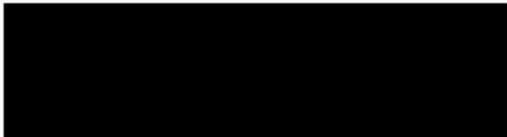


File: WAC-05-001-54004 Office: CALIFORNIA SERVICE CENTER Date: FEB 20 2007

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:



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 Director, California 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 demonstrate its ability to pay the beneficiary the proffered wage from the priority date until the beneficiary obtains permanent residence.

On appeal, counsel on behalf of the petitioner provided, "The CO improperly [sic] denied this I-140 petition. The CO incorrectly interpreted the facts of the case. The petitioner herein does have the ability to pay the proffered wage." The petitioner checked the form to indicate that it would submit a brief and/or evidence to the AAO within 30 days.

The appeal was filed on September 1, 2005. As of this date, more than seventeen months after filing the appeal, the AAO has received nothing further. A fax was sent to counsel on January 19, 2007, allowing the petitioner an additional five day time period to submit the brief indicated, or to allow counsel to acknowledge that no additional evidence was submitted. Counsel returned the fax and indicated that the petitioner did not file a brief or evidence in support as indicated initially on Form I-290B. Counsel did not provide a brief or any additional evidence in response to the fax.

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.

The petitioner here has not addressed the reasons stated for denial, other than a general vague assertion that the facts were misinterpreted, and that the petitioner can pay, which is insufficient because it fails to state with specificity an erroneous conclusion of law or statement of fact. Further, the petitioner has not provided any additional evidence to identify the specific erroneous conclusion of law. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.