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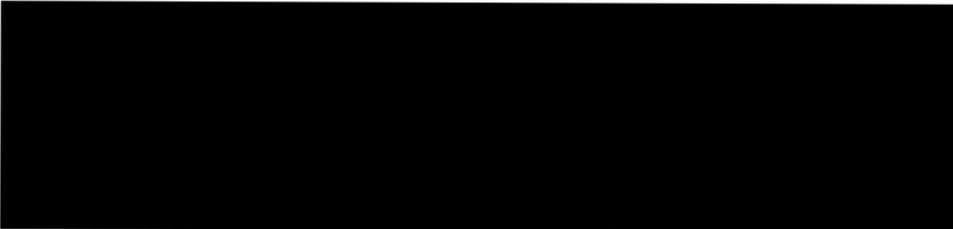
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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File: [redacted]
SRC-06-145-51707

Office: TEXAS SERVICE CENTER Date: NOV 26 2007

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)

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

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

The petitioner is a home health company. It seeks to employ the beneficiary permanently in the United States as a registered nurse pursuant to section 203(b)(3)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(i). The petitioner asserts that the beneficiary qualifies for blanket labor certification pursuant to 20 C.F.R. § 656.10, Schedule A, Group I. The director denied the petition because eligibility for the classification sought had not been established.

On the Form I-290B, the petitioner indicated that he would be submitting a separate brief and/or evidence to the AAO within 30 days. The appeal was received by the Texas Service Center on September 1, 2006. Since the AAO received nothing further, the AAO sent a fax to the petitioner on October 5, 2007 informing the petitioner that no separate brief and/or evidence was received to confirm whether or not it would send anything else in this matter, and as a courtesy, providing five (5) days to respond. To date, more than six (6) weeks later, no reply has been received.

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. In the instant case, the petitioner stated in Part 3 of the Form I-290B, Briefly, state the reason(s) for this appeal that “[w]e believe that the service should consider this application. Our brief and other evidences[sic] will be submitted within 30 days.” The record does not show that the petitioner identifies specifically any erroneous conclusion of law or statement of fact for the appeal. In addition, the AAO’s October 5, 2007 fax expressly informed the petitioner that “[f]ailure to respond to this notice within five business days may result in the summary dismissal of your appeal.” Despite the AAO’s warning the petitioner has not specifically addressed the reasons stated for denial and has not provided any additional evidence. Therefore, the appeal must therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed.