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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

*EG*

**APR 13 2009**

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date:

EAC-04-222-53824

IN RE:

Petitioner:

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

A handwritten signature in black ink, appearing to read "J. Grissom".

John F. Grissom  
Acting 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 (AAO) on appeal.<sup>1</sup> The appeal will be summarily 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 served the petitioner with notice of intent to deny the petition (NOID) because a determination was made that the beneficiary committed marriage fraud and because of inconsistencies and omissions in the record of proceeding, as well as deficient evidence of the beneficiary's qualifications for the proffered position and the petitioner's ability to pay the proffered wage. The petitioner did not respond to the director's NOID. The director denied the petition on February 8, 2008 under the provisions of section 204(c) of the Act.

On appeal, counsel merely stated that the brief in support of the appeal will supplement the record with financial information and verification of prior employment, and the discrepancies will be addressed. The Form I-290B indicates that counsel will submit the brief and/or additional evidence to the AAO within 30 days. Counsel filed the appeal on March 12, 2008. As of this date, more than one year later, the AAO has received nothing further.

The regulation at 8 CFR §§ 103.3(a)(2)(vii) and (viii) states that an affected party may make a written request to the AAO for additional time to submit a brief and that, if the AAO grants the affected additional time, it may submit the brief directly to the AAO.

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. She has not even expressed disagreement with the director's decision. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> USCIS records show that the petitioner filed another Form I-140 Immigrant Petition (SRC-09-106-52917) on behalf of the beneficiary with the Texas Service Center on February 20, 2009 and the petition is currently pending with that center.