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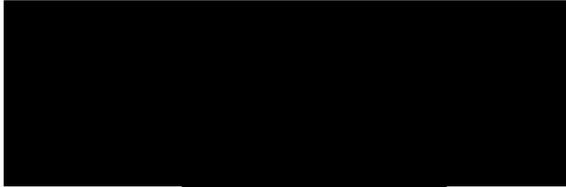
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

B6



FILE:

EAC 02 041 53407

Office: NEBRASKA SERVICE CENTER

Date: APR 20 2009

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)

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.

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).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, initially approved the preference visa petition. After overseas investigation of the beneficiary's work credentials resulted in adverse information, the director issued a notice of intent to revoke the approval of the petition (NOIR). In a Notice of Revocation (NOR)¹, the director ultimately revoked the approval of the Immigrant Petition for Alien Worker (Form I-140), and affirmed that decision in a subsequent motion. 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 (cook). The director treated the petitioner's appeal as a motion to reopen. The director determined that the petitioner failed to establish eligibility for the benefits sought for the beneficiary, and affirmed the decision dated September 18, 2006, to revoke approval of the petition. 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.

On appeal, counsel merely stated that "Counsel will submit reasons for appeal and specific facts and statutes in his brief" and requested 90 days to submit a legal brief and/or additional evidence. Counsel did not date the appeal. It was received by the director on May 25, 2007. As of this date, more than 21 months later, the AAO has received nothing further.

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

ORDER: The appeal will be summarily dismissed.

¹ Dated September 18, 2006.