

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529-2090

PUBLIC COPY



U.S. Citizenship
and Immigration
Services



B6

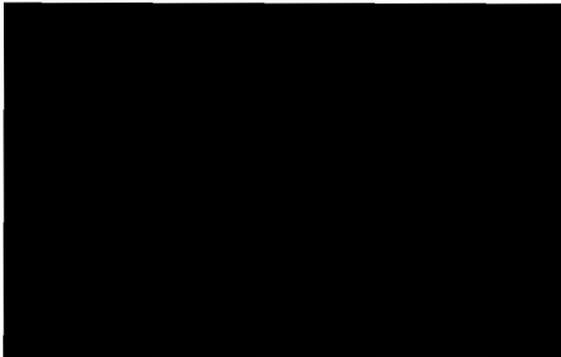
FILE: [REDACTED]
SRC 07 034 54043

Office: TEXAS SERVICE CENTER Date: MAR 05 2009

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)

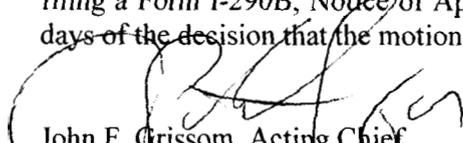
ON BEHALF OF PETITIONER:



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.

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 employment-based immigrant 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 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, Dot Wo Chinese Restaurant, failed to demonstrate that it had the continuing financial ability to pay the proffered wage as of the priority date. Accordingly, the director denied the petition.

The appeal was filed on March 23, 2007.¹ On Part 3 of the notice of appeal (Form I-290B), counsel merely stated that the petitioner has the ability to pay the proffered wage and requested an additional 30 days to submit a brief and/or additional evidence.

Pursuant to 8 C.F.R. § 103.3(a)(2)(vii) and (viii), an affected party shall submit the brief directly to the AAO.

As of this date, more than 22 months later, the AAO has received nothing further. As a courtesy, the AAO sent a fax to counsel and co-counsel on February 3, 2009, informing counsel that no separate brief and/or evidence had been received and to confirm whether anything had been sent to the AAO as stated on appeal. Counsel and co-counsel were provided with five (5) days to respond. To date, 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.

Counsel here has not specifically addressed the reasons stated for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.

¹ The appeal was initially rejected in error.