

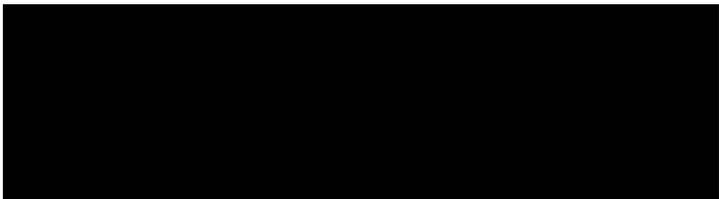
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090



U.S. Citizenship and Immigration Services

PUBLIC



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File: [Redacted]
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Office: NEBRASKA SERVICE CENTER

Date: SEP 4 - 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, as required by 8 C.F.R. 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Nebraska 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 an electronic technician. The director determined that the petitioner failed to demonstrate its continuing ability to pay the proffered wage beginning on the priority date.

On appeal, counsel stated that:

1. That the decision was arbitrary [and] an abuse of discretion.
2. That the petitioner's financial resources were sufficient to pay the prevailing wage.
3. That the USCIS failed to consider all of the financial evidence submitted and [to] consider the petitioner's financial resources.

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. Counsel did not date the appeal. It was received by the director on May 16, 2008. Although counsel stated in the appeal statement that he would submit a brief and/or evidence within 30 days of the date of the appeal, as of this date, 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.

Counsel here has not specifically addressed the reasons stated for denial and has not provided any additional evidence. Counsel failed to send a brief or any additional evidence to explain why the director's decision was arbitrary and an abuse of discretion; how the director erred in his determination that the petitioner's financial resources were insufficient to pay the prevailing wage; and how the director failed to consider all of the financial evidence submitted and/or to consider the petitioner's financial resource. Accordingly, the petitioner does not address what financial evidence submitted demonstrates the petitioner's ability to pay the proffered wage. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.