



U.S. Citizenship
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Services

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FILE: [REDACTED]
SRC 07 223 55586

Office: TEXAS SERVICE CENTER Date: SEP 22 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:

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.

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 failed to demonstrate that it has the continuing financial ability to pay the proffered wage as of the priority date.¹ Accordingly, the director denied the petition.

The appeal was filed on April 10, 2008. On Part 3 of the Form I-290B, Notice of Appeal or Motion, the petitioner stated that the director erred and that the tax returns established the petitioner's ability to pay the proffered wage. On Part 2, B, of the Form I-290B, the requested an additional 30 days in which 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. Therefore the brief was due on May 13, 2008.

As of this date, sixteen 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.

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

ORDER: The appeal is dismissed.

¹ Additionally, the petitioner failed to provide sufficient evidence that the beneficiary had the two years of experience required as an office manager by the approved labor certification, or properly submit Part B of the ETA 750 for the substituted beneficiary.