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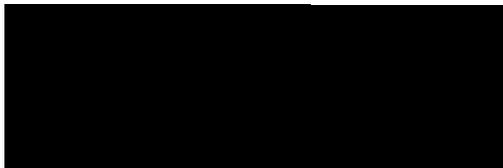
U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090

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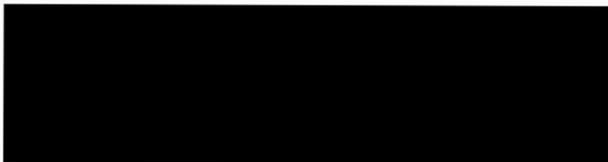
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Office: TEXAS SERVICE CENTER Date: SEP 28 2009

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)

IN 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 Director, Texas Service Center, denied the immigrant visa petition. The matter 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.<sup>1</sup> The director determined that the petitioner failed to establish its ability to pay the proffered wage and denied the petition accordingly.<sup>2</sup>

On appeal, counsel indicated that he would submit a brief and/or evidence to the AAO within 30 days and stated that the director erred as a matter of fact in denying the petition, that the director erroneously applied the law in determining that the petitioner did not have the ability to pay the proffered wage, and that the director erred as a matter of law in denying the petition based on the beneficiary's current salary, which is less than the offered salary.<sup>3</sup> Counsel asserts that the petitioner is not obligated to pay the proffered wage until the beneficiary receives her green card.

The regulation at 8 C.F.R. §§ 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 party additional time, it may submit the brief directly to the AAO. Counsel dated the appeal September 5, 2007. As of this date, more than 24 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.

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<sup>1</sup> This office notes that under 20 C.F.R. § 656.20(c)(8) and § 656.3, the petitioner has the burden when asked to show that a valid employment relationship exists, that a *bona fide* job opportunity is available to U.S. workers. See *Matter of Amger Corp.*, 87-INA-545 (BALCA 1987). A relationship invalidating a *bona fide* job offer may arise where the beneficiary is related to the petitioner by "blood" or it may "be financial, by marriage, or through friendship." See *Matter of Summart 374*, 00-INA-93 (BALCA May 15, 2000). In the instant case, the evidence in the record shows that the beneficiary is the sole shareholder and director of the petitioner. If this matter is further pursued, the petitioner must establish that it has made a *bona fide* job offer to the beneficiary and that the relationship between the petitioner and the beneficiary was disclosed to the DOL during labor certification proceedings. See *Matter of Silver Dragon Chinese Restaurant*, 19 I&N Dec. 401 (Comm. 1986).

<sup>2</sup> This office notes that the petitioner's corporate status was dissolved in the state of Maryland on October 8, 2004, over two years prior to the filing of the Form I-140 petition on April 25, 2007. See [http://sdatcert3.resiusa.org/UCC-Charter/DisplayEntity\\_b.aspx?EntityID=D06721047&EntityName=GLOBAL+MANAGEMENT+INC.+++++&TabNum=1](http://sdatcert3.resiusa.org/UCC-Charter/DisplayEntity_b.aspx?EntityID=D06721047&EntityName=GLOBAL+MANAGEMENT+INC.+++++&TabNum=1) (accessed August 27, 2009). The petitioner must establish that it is in active corporate status if it pursues this matter further.

<sup>3</sup> The petition was not denied based on the petitioner's failure to pay the beneficiary the full proffered wage from the priority date.

Counsel here has not specifically identified any erroneous conclusion of law or statement of fact and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.