

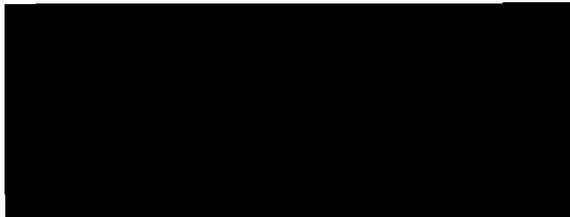
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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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Services

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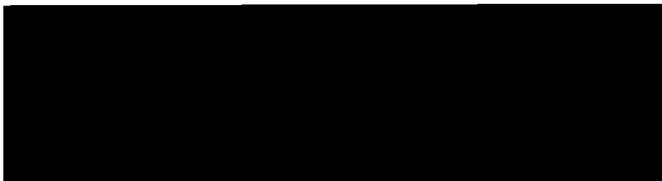
Office: NEBRASKA SERVICE CENTER

Date: MAR 15 2010

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Immigrant petition for Alien Worker as an Other, Unskilled Worker 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).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied, reopened and reconsidered, and again denied by the Director, Nebraska Service Center, and 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 dog groomer. The director determined that the petitioner failed to demonstrate a continuing ability to pay the proffered wage beginning on the priority date.

The appeal is dated July 27, 2007. On appeal, counsel merely states “The full record including the original submissions with the I-140 as well as the supplemental information submitted with the Motion to Reopen clearly show the Petitioner’s ability to pay the proffered wage. Please take all previously submitted evidence, explanations and arguments into consideration when arriving at a decision on this appeal.” Counsel indicates that no supplemental brief and/or additional evidence will be submitted in support of the appeal.¹

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.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, counsel has not presented any additional evidence or new arguments to overcome the director’s decision. The appeal must therefore be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden.

ORDER: The appeal is dismissed.

¹ It is noted that the petitioner filed a second Form I-140, Immigrant Petition for Alien Worker, with the Texas Service Center on July 27, 2007 (SRC 07 237 50659 relates). The record reflects that petition was approved on July 9, 2008.