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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

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FILE:



Office: NEBRASKA SERVICE CENTER

Date:

MAR 31 2010

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IN RE:

Petitioner:



Beneficiary:

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)

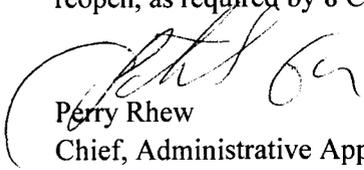
ON BEHALF OF PETITIONER:



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).


Perry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant 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 a skilled worker. The director determined that the petitioner failed to demonstrate that the labor certification supported the visa classification sought. The director additionally concluded that the appropriate labor certification was not submitted with the petition, that the petitioner failed to establish that the beneficiary possessed the education and experience required by the terms of the labor certification and that the petitioner failed to establish that it has had the continuing financial ability to pay the proffered wage as of the priority date. Accordingly, the director denied the petition on December 29, 2008.

The appeal was filed on January 23, 2009. On Part 2, B, of the Form I-290B, Notice of Appeal or Motion, counsel 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. Therefore the brief was due on Wednesday, February 25, 2009.

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.

In this matter, counsel has provided no substantive argument that specifically addresses any erroneous conclusion of law or fact in the decision being appealed. Counsel merely states that the labor certification was submitted; that the certified job requires two years of experience; that the beneficiary obtained her experience before the priority date; and that the petitioner has the ability to pay the proffered wage. Counsel has not specifically addressed the reasons stated for denial and has not provided any additional evidence or argument to overcome the basis for denial as indicated by counsel's request for additional time stated on the notice of appeal. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.