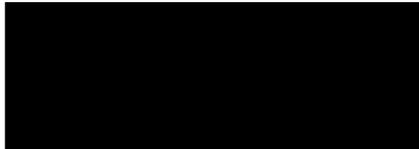


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invasion of personal privacy

**PUBLIC COPY**

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090  
**U.S. Citizenship  
and Immigration  
Services**



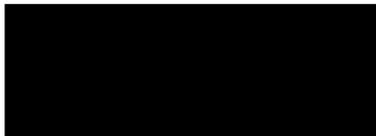
B6

Date: **MAY 27 2011** Office: NEBRASKA SERVICE CENTER File:

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

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 dismissed.

The petitioner seeks classification of the beneficiary as an employment-based immigrant pursuant to Section 203(b)(3)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(i), as an alien who is a member of the professions or a skilled worker. The director determined that the petitioner did not establish its ability to pay the proffered wage as found on the labor certification and that the petitioner did not establish that the beneficiary had the experience required by the terms of the labor certification and denied the petition accordingly.

Both an August 13, 2008 letter accompanying the petitioner's Form I-290B and on Form I-290B, counsel stated only that the petitioner was appealing the matter and stated that "a brief will be submitted within 30 days." That form was submitted on August 14, 2008. To date, more than two years later, counsel has not submitted any brief or evidence. Neither this letter nor the Form I-290B contains any statement regarding the grounds for appeal other than the statement on Form I-290B that "the petitioner now has documentation to establish ability to pay and the beneficiary has the necessary experience." However, no supporting documents were submitted with the appeal filing.

To date, the AAO has not received anything from counsel concerning this appeal. The regulation at 8 C.F.R. § 103.3(a)(2)(vii) states in pertinent part:

*Additional time to submit a brief.* The affected party may make a written request to the AAO for additional time to submit a brief. The AAO may, for good cause shown, allow the affected party additional time to submit one.

The regulation at 8 C.F.R. § 103.3(a)(2)(viii) states in pertinent part:

*Where to submit supporting brief if additional time is granted.* If the AAO grants additional time, the affected party shall submit the brief directly to the AAO.

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 addressed the stated reasons for denial, has not specifically identified any factual or legal errors in the director's decision and has not provided any additional evidence.

Counsel, here further, did not request any additional time beyond the 30 days listed on Form I-290B nor did counsel specifically identify any erroneous conclusion of law or statement of fact and has not provided any additional evidence on appeal to demonstrate that the petitioner has the ability to pay the proffered wage or that the beneficiary has the experience required for the position offered. The appeal must therefore be summarily dismissed.

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**ORDER:** The appeal is dismissed.