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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

**PUBLIC COPY**

B.T.



Date: **SEP 22 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 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 a continuing ability to pay the proffered wage and to cover his family's living expenses beginning on the priority date.

On the Form I-290B, Notice of Appeal or Motion, filed timely on December 31, 2009, the petitioner checked the box B, "I am filing an appeal. My brief and/or additional evidence will be submitted to the AAO within 30 days." In Part 3. Basis for the Appeal or Motion, the petitioner also states that:

Petitioner is seeking other representation to appeal the instant application. Petitioner new representative will need additional time to gather all the facts and evidence in the instant matter in order to properly represent Petitioner.

Due process should be afforded to Petitioner and new representative to properly assert his rights. The additional thirty (30) days is necessary in order to ensure these due process rights.

WHEREFORE FOR GOOD CAUSE, Petitioner requests that he be given an additional (30) days to file a brief and/or evidence.

On January 29, 2010, the petitioner requested an additional thirty days from January 30, 2010, or until March 1, 2010, in which to file his brief and/or additional. On February 3, 2010, the AAO granted the request for extension until March 1, 2010 to file the brief. On February 26, 2010, counsel submitted a letter requesting 30 day extension to submit a brief and additional evidence. On March 8, 2010, the AAO granted again the request for 30 day extension until April 1, 2010.

However, as of this date, more than 17 months later, the AAO has received nothing further, and the regulation requires that any brief shall be submitted directly to the AAO. 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii).

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.

Neither the petitioner nor the new counsel here has specifically addressed the reasons stated for denial and has provided any additional evidence. They have not even expressed disagreement with the director's decision. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.