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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

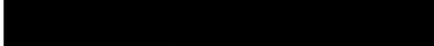


U.S. Citizenship
and Immigration
Services



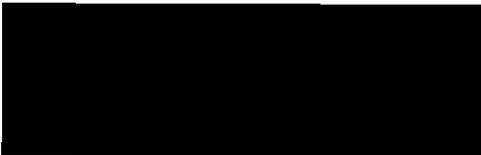
B6

DATE: JUL 12 2012 OFFICE: NEBRASKA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary: 

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

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to 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 (Director). It is now on appeal before the Chief, Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The petitioner is an automobile repair business. It seeks to permanently employ the beneficiary in the United States as an automobile mechanic and to classify him as an "other worker (requiring less than two years of training or experience)" pursuant to section 203(b)(3)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(iii). The Director denied the petition on the ground that the petitioner failed to establish its continuing ability to pay the proffered wage from April 30, 2001 (the date the labor certification application, Form ETA 750, was accepted for processing at the Department of Labor) up to the present.

A timely appeal, Form I-290B, was filed with the Nebraska Service Center on November 10, 2010. On the appeal form counsel for the petitioner stated that a brief would be submitted in 30 days. No such brief was submitted within 30 days. Nor did the petitioner make any written request to the AAO for additional time to file a brief directly with the AAO, in accordance with the regulations at 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii). More than a year and a half after the appeal was filed the AAO has received nothing further from the petitioner.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that 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 case the petitioner has not identified any erroneous conclusion of law nor any erroneous factual finding in the Director's decision. The petitioner has not provided any additional evidence to be considered on appeal. In accordance with 8 C.F.R. § 103.3(a)(1)(v), therefore, the appeal will be summarily dismissed.

ORDER: The appeal is dismissed.