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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 27 2012 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:

SELF-REPRESENTED

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, 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 beginning on the priority date, and the petitioner failed to demonstrate that the beneficiary possessed the experience required on Form ETA 750.

Counsel¹ indicated on Form I-290B, Notice of Appeal or Motion, that he is filing an appeal on behalf of the petitioner and will submit the brief and/or additional evidence to the AAO within 30 days. The notice is dated July 17, 2009. In Part 3 of the notice, counsel merely stated that “Petitioner in an I-140 application has the ability to pay the proffered wage and the application submitted is a bona fide application, worthy of appeal.”

As of this date, 36 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.

Counsel here has not specifically addressed the reasons stated for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.

¹ According to a review of the list of disciplined attorneys in the State of California, <http://members.calbar.ca.gov/fal/Member/Detail/163141> (accessed July 17, 2012), Mr. Jaeffrey Jack Artz was suspended from the practice of law on October 15, 2010, for “four years, stayed, placed on four years of probation with a two-year actual suspension and until he proves his rehabilitation ... The order took effect October 15, 2010.” Furthermore, according to a review of the most recent List of Currently Disciplined Practitioners maintained by the Executive Office for Immigration Review, available at <http://www.justice.gov/eoir/discipline.htm> (accessed on July 17, 2012), Mr. Artz was suspended on September 16, 2009, for 14 months from practicing before the Board of Immigration Appeals (BIA), Immigration Courts, and DHS on September 16, 2009, and has not been reinstated to practice before the BIA, Immigration Courts, and DHS. Because the petitioner is represented by currently suspended attorney, the AAO does not recognize counsel in this proceeding.