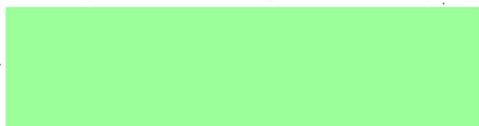
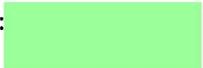


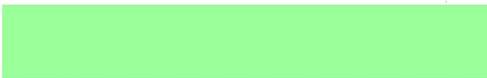
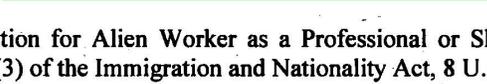


U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **MAR 27 2013** OFFICE: NEBRASKA SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Immigrant Petition for Alien Worker as a Professional or Skilled Worker 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 with the field office or service center that originally decided your case by filing a 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,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center. The AAO subsequently summarily dismissed the appeal. The matter is now before the Administrative Appeals Office (AAO) on the petitioner's motion to reconsider. The motion to reconsider 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 professional or skilled worker. The director denied the petition after determining that the petitioner failed to demonstrate that it has had the continuing financial ability to pay the proffered wage.

On June 1, 2012, the AAO summarily dismissed the appeal.

On motion, filed on July 2, 2012, the petitioner merely states that written statements and documents would be submitted to the AAO within 30 days.

As of this date, more than seven 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).

The regulation at 8 C.F.R. § 103.5(a)(3) provides that a motion to reconsider must offer the reasons for reconsideration and be supported by pertinent legal authority showing that the decision was based on an incorrect application of law or U.S. Citizenship and Immigration Services (USCIS) policy. It must also demonstrate that the decision was incorrect based on the evidence contained in the record at the time of the initial decision.

The petitioner's motion fails to identify specifically any erroneous conclusion of law or statement of fact, is not supported by pertinent legal authority showing that the decision was based on an incorrect application of law or USCIS policy and does not demonstrate that the decision was incorrect at the time of the initial decision. As stated above, no additional documentation has been received by this office.

The motion to reconsider must therefore be summarily dismissed.

ORDER: The motion to reconsider is dismissed.