



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: **NOV 13 2014** OFFICE: NEBRASKA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Professional Pursuant to Section 203(b)(3)(A)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)(A)(ii)

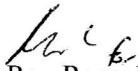
ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

  
Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Nebraska Service Center (the director) denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner requests classification of the beneficiary as professional pursuant to section 203(b)(3)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(ii).<sup>1</sup> The director determined that the petitioner failed to establish that it had the ability to pay the proffered wage.<sup>2</sup>

On the statement accompanying the Form I-290B, Notice of Appeal or Motion, counsel indicates that the petitioner would provide additional documentation that it had the ability to pay the proffered wage as of the August 5, 2010 priority date. Counsel stated that she would file evidence of the remuneration received by the beneficiary to be combined with the petitioner's 2010 through 2013 net income, net current assets and other financial assets. Counsel indicated that the additional evidence would be filed within thirty days.

The petitioner dated the appeal April 22, 2014. As of this date, more than 6 months later, we have received nothing further, and the regulation requires that any brief and/or evidence shall be submitted directly to us. 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.

On appeal, counsel does not state that, based upon the evidence at the time of his decision, the director's conclusions were erroneous in fact or law. Although counsel states that the petitioner will submit additional evidence to support a finding that the petitioner had the ability to pay the proffered wage she has not provided the referenced evidence. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.

---

<sup>1</sup> Section 203(b)(3)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(ii), provides for the granting of preference classification to qualified immigrants who hold baccalaureate degrees and are members of the professions. Section 101(a)(32) of the Act, 8 U.S.C. § 1101(a)(32), provides that "the term 'profession' shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries."

<sup>2</sup> We note that the Kansas Secretary Of State Records show that [REDACTED] has been a forfeited entity since [REDACTED]. See [www.kansas.gov/bess](http://www.kansas.gov/bess) (accessed October 30, 2014). In any future filings, the petition must demonstrate that it is an active business entity in good standing.