

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

(b)(6)



DATE: JUN 04 2015

FILE #: [REDACTED]

PETITION RECEIPT #: [REDACTED]

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

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

ON BEHALF OF PETITIONER:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, 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 seeks to classify the beneficiary pursuant to section 203(b)(3)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(i) as a skilled worker. The director determined that the petitioner did not demonstrate a continuing ability to pay the proffered wage beginning on the priority date. The director also determined that the petitioner had not established that the beneficiary satisfied the work experience requirements of the labor certification as of the priority date.

Counsel for the petitioner filed Form I-290B on January 9, 2014.¹ The appeal merely states that the director “failed to properly consider experience and ability to pay evidence as will be further explained in petitioner’s brief.” The appeal indicates that a brief and/or additional evidence would be submitted within 30 days. The appeal was received on January 9, 2014. As of this date, more than 16 months later, we have received nothing further, and the regulation requires that any brief shall be submitted directly to our office. 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.

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

ORDER: The appeal is dismissed.

¹ The appeal was filed without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28), as is required for any appeal filed after March 4, 2010, pursuant to 8 C.F.R. § 103.3(a)(2)(v)(A)(i). Therefore, the petitioner will be considered self-represented and this decision will only be provided to the petitioner.