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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

[Redacted]

DATE: **JUN 25 2015**

[Redacted]

IN RE: Applicant:  
Beneficiary:

[Redacted]

APPLICATION: 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 APPLICANT:

[Redacted]

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](http://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, Nebraska 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)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(A)(ii) as a professional worker. The director determined that the petitioner did not demonstrate that it possessed the ability to pay the proffered wage from the priority date onward or that the beneficiary possessed the required minimum education for the proffered job.

The petitioner submitted a Form I-290B, Notice of Appeal or Motion, and provided large amounts of evidence already present in the record. On the Form I-290B, the petitioner indicated that no supplemental brief or additional evidence will be submitted. However, the petitioner stated no basis for the appeal, as required in Part 4 of the Form I-290B.

Three documents were submitted for the first time on appeal: 2011 and 2012 IRS Forms 1065; and, an April 30, 2013 educational credential evaluation discussing the beneficiary's education. Neither of the tax forms impact the director's decision that the petitioner did not establish the ability to pay the proffered wage in 2009, and 2010.<sup>1</sup> Furthermore, the educational evaluation was available to the petitioner before the petition was even filed, yet it was not submitted with the petition or in response to the director's Notice of Intent to Deny (NOID). In addition, the evaluation does not disagree with the director's decision, and merely states that the beneficiary has "three years of academic coursework."

Nothing in the evidence submitted with the appeal contradicts the director's finding that the law requires a bachelor's degree or foreign equivalent, and that the beneficiary did not possess a United States bachelor's degree or foreign equivalent degree as of the priority date.

We also note that the petitioner is the claimed successor in interest to the the entity that initially filed the application for labor certification. This predecessor also filed a petition on behalf of the beneficiary that was denied for the same reasons noted above, and we affirmed the denial of that petition. We also determined that the record did not demonstrate that the beneficiary possessed the required 12 months of experience for the proffered position.

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned does not identify specifically any erroneous conclusion of law or statement of fact for the appeal.

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<sup>1</sup> An unsigned letter purporting to be from a CPA dated February 12, 2015 was also provided on appeal. Besides the date on the letter, it is a verbatim copy of a November 18, 2014 unsigned letter discussing the petitioner's income in 2012. Thus, it is not new evidence that may impact the director's analysis nor does it contradict any of his findings in his decision.



The petitioner here has not specifically addressed the reasons stated for denial and has not provided any additional evidence. It has not even expressed disagreement with the director's decision. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.