



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF C-J-H-G-, INC.

DATE: OCT. 21, 2015

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a health care staffing agency, seeks to permanently employ the beneficiary as a registered nurse manager under the immigrant classification of professional. *See* Immigration and Nationality Act (the Act) section § 203(b)(3)(A)(ii), 8 U.S.C. § 1153(b)(3)(A)(ii). The Director, Texas Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

The petition is for a Schedule A occupation. A Schedule A occupation is an occupation listed at 20 C.F.R. § 656.5(a), for which the U.S. Department of Labor has determined that there are not sufficient available U.S. workers. The current list of Schedule A occupations includes professional nurses and physical therapists. *Id.*

Petitions for Schedule A occupations must contain a valid prevailing wage determination (PWD) obtained in accordance with 20 C.F.R. § 656.40 and 20 C.F.R. § 656.41. *See* 20 C.F.R. § 656.15(b)(2). The director denied the petition because it did not contain a PWD. Before denying the petition, the director issued a request for evidence (RFE) that instructed the Petitioner to submit the missing PWD. The Petitioner's RFE response did not contain the requested document.

The Petitioner appealed the decision on June 1, 2016. The appeal did not contain a brief or any additional evidence. On part 3 of Form I-290B, Notice of Appeal or Motion, the Petitioner indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. The appeal did not contain a statement regarding the basis of the appeal as required by part 4 of Form I-290B.

To date, the AAO has not received a brief or additional evidence for this appeal. Any brief must be submitted directly to the AAO. 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii).

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states that the AAO "shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal." Since the Petitioner failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

*Matter of C-J-H-G-, Inc.*

**ORDER:** The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of C-J-H-G-, Inc.*, ID# 15123 (AAO Oct. 21, 2015)