



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

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

MATTER OF V-T-S- LTD.

DATE: JAN. 20, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a software development and consulting company, seeks to permanently employ the Beneficiary in the United States as a network systems engineer under the immigrant classification of skilled worker. *See* Immigration and Nationality Act (the Act) § 203(b)(3)(A)(i). The Director, Nebraska Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

The I-140 petition was filed on November 17, 2014. The petition was accompanied by an ETA Form 9089, Application for Permanent Employment Certification, which was filed with the Department of Labor (DOL) on November 20, 2013, and certified by the DOL (labor certification) on May 22, 2014. On March 5, 2015, the Director issued a Request for Evidence, to which the Petitioner responded on May 28, 2015, with additional documentation.

In a decision dated June 25, 2015, the Director denied the petition on the ground that the Petitioner did not establish its continuing ability to pay the proffered wage of the instant Beneficiary, as well as the proffered wages of all the other beneficiaries of I-140 petitions it has filed, from the priority date of the instant petition (November 20, 2013) onward.

On July 27, 2015, the Petitioner filed a timely appeal on Form I-290B. In Part 3 of the Form I-290B the Petitioner indicated that a brief and/or additional evidence would be submitted to us within 30 days. Part 4 of the Form I-290B instructed the Petitioner, in pertinent part, as follows:

On a separate sheet of paper, **you must provide a statement** regarding the basis for the appeal or motion. You must include your name and A-number or USCIS ELIS Account Number on the top of each sheet.

Appeal: Provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed.

(Emphases in the original.) Despite these instructions on the Form I-290B the Petitioner did not provide any statement in support of the appeal. On August 25, 2015, the Petitioner submitted a letter to us requesting an additional 30 days (or until September 25, 2015) to submit a brief in support of the appeal. Accompanying the letter were copies of previously submitted lists of the Petitioner's approved,

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pending, denied, rejected, and withdrawn I-140 petitions. No brief was received by September 25, 2015, however, nor any other communication from the Petitioner. No further materials have been received since the Petitioner's extension request letter of August 25, 2015.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that an appeal shall be summarily dismissed "when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

In this case the Petitioner has identified neither any erroneous conclusion of law nor any erroneous factual findings in the Director's decision. The Petitioner has not provided any additional evidence to be considered on appeal. In accordance with 8 C.F.R. § 103.3(a)(1)(v), therefore, the appeal will be summarily dismissed.

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

Cite as *Matter of V-T-S- Ltd.*, ID# 15592 (AAO Jan. 20, 2016)