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U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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U.S. Citizenship
and Immigration
Services

B6



FILE: [REDACTED]
SRC-07-800-05923

Office: TEXAS SERVICE CENTER

Date: APR 06 2009

IN RE: [REDACTED]

PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center denied the employment-based immigrant visa petition and dismissed a subsequent motion to reconsider. Now the matter is 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)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(3)(ii) as a professional substituting an alien on an approved labor certification. Upon finding that the original beneficiary has been adjusted to a lawful permanent resident utilizing the relevant labor certification, the director served the petitioner with notice of intent to deny the petition (NOID). The petitioner did not respond to the director's NOID. The director denied the petition on October 20, 2008.

On September 18, 2008, the petitioner filed a motion to reconsider. The director dismissed the motion to reconsider and the petition remains denied. The petitioner filed the instant appeal with the AAO. On appeal, the petitioner did not provide any statement explaining any erroneous conclusion of law or fact in the decision being appealed, but merely checked Box B. "I am filing an appeal. My brief and/or additional evidence will be submitted to the AAO within 30 days." The petitioner dated the appeal November 21, 2008. However, as of this date, more than four months later, the AAO has received nothing further.

The regulation at 8 CFR §§ 103.3(a)(2)(vii) and (viii) states that an affected party may make a written request to the AAO for additional time to submit a brief and that, if the AAO grants the affected additional time, it may submit the brief directly to the AAO.

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

ORDER: The appeal is dismissed.