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U.S. Department of Homeland Security

Citizenship and Immigration Services

B6

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536

[redacted]

FEB 02 2004

File: EAC 01 224 50995 Office: VERMONT SERVICE CENTER Date:

IN RE: Petitioner:
Beneficiary: [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:

[redacted]

INSTRUCTIONS:
This is the decision 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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a health care provider. It seeks to employ the beneficiary permanently in the United States as a registered nurse. As required by statute, the petition is accompanied by an application for Schedule A labor certification. The director determined that the petitioner had not established that it had the financial ability to pay the beneficiary the proffered wage as of the priority date of the visa petition.

On appeal, counsel states no reason(s) for filing the appeal. Counsel also indicates that a separate brief and/or evidence will be submitted within thirty days. To date, however, no further documentation has been received.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states that: "An officer to whom an appeal is taken 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."

The regulation at 8 C.F.R. § 103.3(iii)(B) defines the term *affected party* as "the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition. An affected party may be represented by an attorney or representative in accordance with part 292 of this chapter."

In this case, the affected party petitioner is represented by an attorney. The attorney has filed an appeal in behalf of the petitioner, but has failed "to identify specifically any erroneous conclusion of law or statement of fact for the appeal." *See* 8 C.F.R. 103.3(a)(1)(v).

ORDER: The appeal is summarily dismissed.