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U.S. Department of Justice
Immigration and Naturalization Service

Identification date deleted to
prevent clearly unwarranted
revocation of persons' status

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

[Redacted]

File: [Redacted] Office: Nebraska Service Center Date: 18 APR 2002

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

Petition: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(1)(A)

IN BEHALF OF PETITIONER:

[Redacted]

Public Copy

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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(1)(A), as an alien of extraordinary ability as a pilot instructor. The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

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 statement on the Form I-290B Notice of Appeal form reads, in its entirety, "[t]he Service incorrectly applied the field of endeavor in this case. [The petitioner's] field of expertise is as a pilot, and he has demonstrated national acclaim in this regard. [The petitioner] will provide further evidence to the AAO within 30 days." The petitioner filed the appeal on May 17, 2001, over ten months ago. To date, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

Counsel's only substantive assertion on appeal is that the director misconstrued the petitioner's occupation. The director consistently referred to the petitioner as a pilot instructor, whereas counsel asserts that the petitioner is a pilot. When counsel prepared the Form I-140 petition, she listed the petitioner's job title as "pilot instructor." The petitioner signed this form under penalty of perjury. The director's use of the title that counsel had used on the petition form cannot reasonably be construed as error at all, let alone one so significant as to disturb the outcome of the decision.

The claim that the petitioner has met his burden of proof is a general statement that makes no specific allegation of error. The bare assertion that the director somehow erred in rendering the decision is not sufficient basis for a substantive appeal. Apart from the above erroneous assertions regarding the petitioner's field of endeavor, counsel has not explained how the director's decision was deficient.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.