

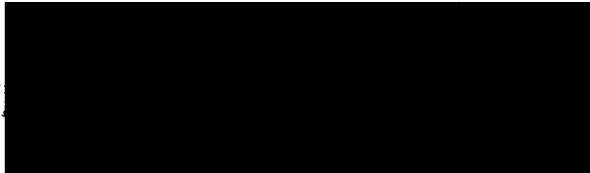


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U.S. Department of Justice  
Immigration and Naturalization Service

PUBLIC COPY

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



File: [Redacted] Office: Nebraska Service Center

Date: MAY 22 2002

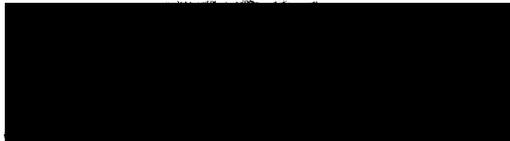
IN RE: Petitioner:  
Beneficiary:



Petition: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(2)

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

IN BEHALF OF PETITIONER:



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, \* Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner, a state service agency, seeks to employ the beneficiary as an orientation and mobility specialist. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the beneficiary qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner had not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

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.

On the Form I-290B Notice of Appeal, counsel indicated that no brief or further evidence was attached, nor would any be forthcoming. Therefore, counsel's statement on the Form I-290B itself constitutes the entirety of the appeal. The statement on the appeal form reads simply:

The INS erred in finding that the I-140 did not meet the standards for a national interest waiver under matter of New York State Dept. of Transportation. The proposed benefit is national in scope as documented in the I-140 and supporting evidence. Similarly the INS erred in finding that a labor certificate is not against the national interest of the U.S. Therefore the I-140 should be granted.

This is a general statement that makes no specific allegation of error. Counsel does not explain how the evidence, and binding case law, establish that the director should have approved this petition. It cannot suffice for counsel simply to state, broadly and without elaboration, that the decision is contrary to precedent and must therefore be reversed. The bare assertion that the director somehow erred in rendering the decision is not sufficient basis for a substantive appeal. 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.

We note that, subsequent to the denial of the instant petition, the petitioner filed another petition seeking a different immigrant visa classification on the beneficiary's behalf. That petition, receipt number LIN 00 208 50431, included an approved labor certification. The petition was approved on August 25, 2000, and the beneficiary has since filed a Form I-485 adjustment application. The petitioner has, therefore, already obtained the one thing that it sought to obtain via the instant appeal; i.e., an approved immigrant visa petition on the beneficiary's behalf.

**ORDER:** The appeal is dismissed.