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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

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

[REDACTED]

JUL 23 2003

File: [REDACTED] WAC 99 192 51078 Office: CALIFORNIA SERVICE CENTER

Date:

IN RE: Petitioner:
Beneficiary:

[REDACTED]

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)

ON BEHALF OF PETITIONER:

[REDACTED]

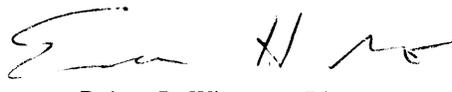
INSTRUCTIONS:

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.

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 Bureau of Citizenship and Immigration Services (Bureau) 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.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, initially approved the employment-based immigrant visa petition. Upon further review, the director determined that the beneficiary was not clearly eligible for the benefit sought. Accordingly, the director notified the petitioner of his intent to revoke the approval of the petition. The director subsequently ordered that the approval of the petition be revoked. The matter is now 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)(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 is an investment banking and brokerage firm seeking to employ the beneficiary as a software engineer. As required by statute, the petition was accompanied by certification from the Department of Labor. In revocation proceedings, the director concluded that the beneficiary does not possess the educational background required by the terms of the labor certification.

The petition was originally approved on December 21, 2000. On June 20, 2002, the director sent the petitioner a Notice of Intent to Revoke the petition based upon his determination that the job offered did not require a member of the professions holding an advanced degree and that the beneficiary did not have a United States advanced degree or its foreign equivalent.

On July 16, 2002, counsel sent a response to the Service Center addressing the two issues raised in the notice of intent to revoke.

On December 10, 2002, the director revoked the petition. While the director now concluded that the position offered required a member of the professions holding an advanced degree, he again determined that the beneficiary's educational credentials, consisting of a three year bachelor's degree and a one year course in systems management, did not establish that the beneficiary possesses the foreign equivalent of an advanced degree pursuant to the requirements of 8 C.F.R. § 204.5(k)(2).

On appeal, counsel states that he is appealing the director's finding that the "[beneficiary's] studies are not the equivalent to a major in computer science as required by an accredited U.S. university." Counsel also indicates that he will submit a brief and/or evidence to the AAO within thirty days. Counsel dated the appeal December 26, 2002. As of this date, more than five months later, the AAO has received nothing further.

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 bare assertion that the director reached the wrong conclusion in rendering the decision is not sufficient basis for a substantive appeal.

As the petitioner has not specifically addressed the reasons stated for revocation and has not provided additional evidence, the appeal will be summarily dismissed in accordance with 8 C.F.R. 103.3(a)(1)(v).



ORDER: The appeal is dismissed.