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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

JUN 25 2003

File: [REDACTED] LIN 03 040 50723 Office: NEBRASKA SERVICE CENTER Date:

IN RE: Petitioner, [REDACTED]  
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*

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 Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner seeks classification 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 or as an alien of exceptional ability.

The petitioner has not requested a waiver of a job offer pursuant to section 203(b)(2)(B) of the Act. The petition was not accompanied by an individual labor certification from the Department of Labor or by a fully executed uncertified Form ETA-750 requesting a Schedule A designation pursuant to 8 C.F.R. 204.5(k)(4)(i). A United States employer did not file the Immigrant Petition for Alien Worker (I-140) as required by section 203(b)(2) of the Act and 8 C.F.R. 204.5(k)(1).

The director denied the petition, noting several of the issues stated above. The director further determined that the evidence failed to establish the petitioner's eligibility for a Schedule A, Group II certification as an alien of exceptional ability.

The regulation at 8 C.F.R. 103.3(a)(1)(v) provides that "[a]n 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."

Counsel filed an appeal on March 7, 2003. The statement on the appeal form (I-290B Notice of Appeal) reads, in its entirety:

1. Evidence of [the petitioner's] participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization. – Journal Paper Reviews through e-mail [sic].
2. Articles published on 'Global Telecommunications Conference, 2000' Volume 3, Page 1385-1389.
3. Articles published on "Wireless Communications and Networking Conference," 2000, Volume 2, page: 549-554.
4. Articles published on "Global Telecommunications Conference, 2000" Volume 3, page: 1396-1401.

The bare recitation of evidence submitted on appeal is not sufficient basis for a substantive appeal. It does not specifically address errors in the director's decision or even allege that the director reached the wrong conclusion.



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.