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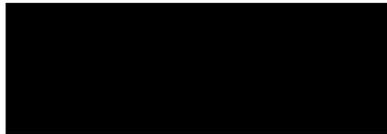
U.S. Department of Homeland Security

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



File: LIN 01 182 53215 Office: CALIFORNIA SERVICE CENTER

Date: MAY 9 2003

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)

IN BEHALF OF PETITIONER: SELF-REPRESENTED

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 employment-based immigrant visa petition was denied by the Director, California Service Center,¹ 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. The petitioner seeks employment as an administrator. 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 petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States. The director also noted the petitioner's failure "to clarify the type of prospective position in which he intends to be employed."

Instructions on the Form I-290B Notice of Appeal allow the petitioner to request an automatic 30-day extension in which to file a brief, and advise that a longer extension "may be granted only for good cause shown." This regulation mirrors 8 C.F.R. § 103.3(a)(2)(vii), which states "[t]he affected party may make a written request to the AAU [now AAO] for additional time to submit a brief. The AAU may, for good cause shown, allow the affected party additional time to submit one."

On the appeal form, filed on November 19, 2002, the petitioner indicated that he required 210 days to submit a brief and/or evidence. The petitioner did not explain why good cause exists for such an unusually long extension, and therefore by regulation the extension cannot be approved. The petitioner did not even specify what documentation would be submitted after 210 days, which may have offered some clue as to why he required an extraordinarily long period of time to obtain and submit it.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, "[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." The petitioner's statement on the appeal form reads, in its entirety, "I has [sic] 10 years' working experience in the Shandong Zibo Government office in Shanghai in a curatorial and purchasing capacity. I love America, I am good for America." The petition was not denied based on any alleged lack of experience, and therefore the petitioner's statement regarding his experience does not answer any stated ground for denial. Similarly, the petitioner's statements regarding his desire to live in the United States, while surely sincere, do not demonstrate that the director improperly denied the petition. The director's decision contains several specific grounds for denial, and the petitioner's short statement on appeal does not rebut any of them.

Inasmuch as the petitioner 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.

¹ The petition, originally filed with the Nebraska Service Center, was transferred because the petition was filed within the geographic area served by the California Service Center.