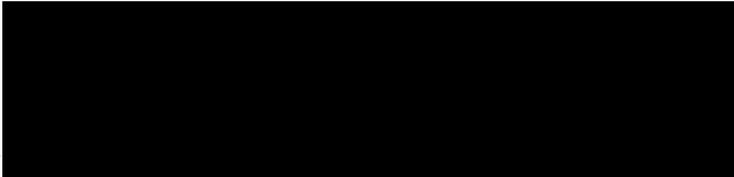




U.S. Citizenship
and Immigration
Services

B-S



FILE: [Redacted] Office: VERMONT SERVICE CENTER Date: AUG 02 2004

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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

A handwritten signature in black ink, appearing to be "R. P. Wiemann".

for Robert P. Wiemann, Director
Administrative Appeals Office

PUBLIC COPY

DISCUSSION: The employment based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner, a law firm, 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 seeks to employ the beneficiary as an associate attorney. 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.

On appeal, the petitioner states: "The appeal is arbitrary, capricious and unreasonable. [The] I-140 petition filed on behalf of [the beneficiary] should have been approved since the evidence submitted is clear and convincing."

The petitioner offers no specific arguments regarding the director's findings. For example, the director observed that "[p]ro-bono work is not an unusual activity among attorneys, and to grant a national interest waiver to the beneficiary would seem to treat his pro-bono work as something other than quite normal in his profession..." The petitioner does not address the director's finding that the petitioner had not satisfied the third prong of the national interest waiver requirements set forth in *Matter of New York State Dept. of Transportation*, 22 I&N Dec. 215 (Comm. 1998), the precedent decision under which this petition has been reviewed. This binding precedent indicates that while practicing law is in the national interest, the impact of an individual lawyer would be so attenuated at the national level as to be negligible.

[T]he analysis we follow in "national interest" cases under section 203(b)(2)(B) of the Act differs from that for...cases under section 203(b)(2)(A) of the Act. In the latter type of case, the local labor market is considered through the labor certification process and the activity performed by the alien need not have a national effect. For instance, pro bono legal services as a whole serve the national interest, but the impact of an individual attorney working pro bono would be so attenuated at the national level as to be negligible. Similarly, while education is in the national interest, the impact of a single schoolteacher in one elementary school would not be in the national interest for purposes of waiving the job offer requirement of section 203(b)(2)(B) of the Act.

Id. at 217, note 3.

We find such reasoning applicable in the present case as well. In this case, the beneficiary's impact would generally be limited to the clients he serves.

The petitioner indicated that a brief and/or evidence would be submitted to the AAO within thirty days. The appeal was filed on March 24, 2004. As of this date, more than four 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 petitioner has not specifically addressed the reasons stated for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.