U.S. Department of Homeland Security
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Washington, DC 20536

U.S. Citizenship and Immigration Services

B5

[redacted]

PUBLIC COPY

FILE: WAC 03 007 54892 Office: CALIFORNIA SERVICE CENTER Date:

IN RE: Petitioner: [redacted]
Beneficiary:

JAN 22 2004

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]

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office 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 a medical researcher at Kapiolani Hospital. 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 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, "[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 appeal consists of a 26-page brief from counsel. Nearly all of the language in this brief is copied, verbatim, from two earlier sources: (1) an introductory brief that had accompanied the initial filing of the petition, and (2) a subsequent brief submitted in response to a request for further information. Because this language was written before the director denied the petition, it does not address any specific findings by the director or raise any issues of fact or law regarding that decision. By repeating this language on appeal, counsel has, in effect, simply requested a re-adjudication of the petition, instead of explaining why the director's decision is deficient.

The only substantive additions to counsel's earlier language consist of general references to the denial, such as the assertion that the petitioner "respectfully requests a reversal of the decision in this matter." These statements acknowledge the denial of the petition but make no specific allegation of error. The bare assertion that the director somehow erred in rendering the decision is not sufficient basis for a substantive appeal. Repetition of initial claims is no rebuttal of the director's later findings.

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.