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**U.S. Citizenship
and Immigration
Services**

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MAR 26 2004

FILE: LIN 02 218 51584 Office: NEBRASKA SERVICE CENTER Date:

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)

ON BEHALF OF PETITIONER:

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

for 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. The petitioner seeks employment as a research associate at the University of Minnesota. 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.

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.”

On the Form I-290B Notice of Appeal, filed on July 17, 2003, counsel indicated that a brief would be forthcoming within 90 days. To date, over seven months later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

Accompanying the appeal are five general allegations by counsel. Counsel states “[t]he Director failed to consider all of the evidence,” but the director’s decision contains specific details about several of the petitioner’s submissions. Counsel fails to specify what evidence the director failed to consider, or how that evidence would have changed the outcome of the decision. Similarly, counsel asserts that the director “failed to consider statements by experts,” but the director discusses those statements in the notice of decision. Thus, there is no evidence that the director “failed to consider” these materials.

Counsel’s assertion that the director “erred . . . when he applied the standard of exceptional ability” is without effect. The director acknowledged that the petitioner qualifies as a member of the professions holding an advanced degree.

Counsel’s remaining arguments amount to nothing more than assertions that the director should have approved the petition instead of denying it. Such statements are conclusions, rather than coherent, specific arguments lending support to conclusions. The burden is on the petitioner to claim specific flaws in the director’s decision. It cannot suffice for counsel simply to argue that the denial is, itself, *prima facie* evidence of error. The bare assertion that the director somehow erred in rendering the decision is not sufficient basis for a substantive appeal, and the filing of such an appeal, coupled with the explanation that counsel does not have the time to prepare a brief, does not compel *de novo* adjudication of the petition.

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.