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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

[Redacted]

FILE: [Redacted] Office: TEXAS SERVICE CENTER Date: SRC 03 005 53185

SEP 07 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:

[Redacted]

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.

Maui Johnson

for Robert P. Wiemann, Director
Administrative Appeals Office

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DISCUSSION: The employment based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) 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 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 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, counsel states: "It is our opinion that the decision issued in this case is based upon an erroneous conclusion and misinterpretation of the evidence. The opinion given was very thorough, however it appears that the evidence provided was not understood nor given proper consideration."

The appeal was filed on June 2, 2003. On June 21, 2004, more than one year later, the petitioner submitted documentation to the AAO indicating that he was the beneficiary of an approved labor certification filed in his behalf by the Medical College of Georgia. Along with the approved labor certification, the petitioner submitted documentation that accompanied a second Form I-140, Immigrant Petition for Alien Worker, filed in the petitioner's behalf by the Board of Regents of the University System of Georgia/Medical College of Georgia on May 13, 2004.

The documentation presented on appeal 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. Nor was the appellate submission accompanied by arguments or evidence that specifically challenge the director's observations.

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 relevant to this matter. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.