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U.S. Citizenship
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Services

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FILE: EAC 03 091 52707

Date: AUG 17 2005

Dear Mr. [REDACTED]

On January 29, 2003, you filed a petition seeking to classify yourself 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 (the Act), 8 U.S.C. § 1153(b)(2).

Subsequently, on November 17, 2004, the Director, Vermont Service Center, denied your petition. You have appealed that decision, and your appeal is now before the Administrative Appeals Office (AAO).

On appeal, your attorney protests that the director did not issue a request for evidence, as Citizenship and Immigration Services (CIS) regulations at 8 C.F.R. § 103.2(b)(8) normally require when the record shows no clear evidence of ineligibility but, at the same time, contains insufficient evidence to warrant approval. Upon review of the materials available, it appears that the issuance of such a request is in order.

On the Form I-140 petition, you indicated that you seek a national interest waiver in order to work as a financial analyst at the World Bank. Your application for the waiver was predicated on your claim to be "deeply committed to the strengthening of financial markets worldwide."

When you first filed your petition, you were in the United States as a G-4 nonimmigrant, a status to which you were entitled by virtue of your employment with the World Bank. CIS records indicate that you are no longer classified as a G-4 nonimmigrant; instead, you were paroled (as opposed to admitted) into the United States on August 22, 2004. This strongly suggests that you are no longer employed by the World Bank. We have determined, therefore, that we require additional information about your past and present employment. Please submit new letters and supporting documents (such as payroll records) to provide a complete accounting of all your employment and employment-related activities from January 2003 to the present, including the following information:

- The names of all your past and current employers since January 2003;
- Valid contact information for an authorized official of each employer;
- All job titles you have held;
- The duties of all those positions;
- An explanation as to how your performance of those duties contributes to the strengthening of financial markets;
- A detailed description of any academic studies you have undertaken since 2003; and
- An explanation as to how those studies (if any) relate directly to financial markets.

Finally, please provide a written statement explaining your future goals. This information is directly relevant to the question of prospective national benefit. The national interest waiver is predicated not only on what an individual has done in the past, but also what the individual intends to do in the future.

8 C.F.R. § 103.2(b)(8) states, in pertinent part:

[W]here there is no evidence of ineligibility, and initial evidence or eligibility information is missing or the Service finds that the evidence submitted either does not fully establish eligibility for the requested benefit or raises underlying questions regarding eligibility, the Service shall request the missing initial evidence, and may request additional evidence. . . . In such cases, the applicant or petitioner shall be given 12 weeks to respond to a request for evidence. Additional time may not be granted. Within this period the applicant or petitioner may:

- (i) Submit all the requested initial or additional evidence;
- (ii) Submit some or none of the requested additional evidence and ask for a decision based on the record; or
- (iii) Withdraw the application or petition.

All evidence submitted in response to a Service request must be submitted at one time. The submission of only some of the requested evidence will be considered a request for a decision based on the record. 8 C.F.R. § 103.2(b)(11). If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(13). Failure to submit requested evidence which precludes a material line of inquiry shall be grounds for denying the application or petition. 8 C.F.R. § 103.2(b)(14).

You are hereby afforded 12 weeks from the date of this letter in which to respond to this notice. Because we are serving this notice by mail, we add three days to the 12-week deadline to account for mailing time, as required by 8 C.F.R. § 103.5a(b). This office must, therefore, receive your response no later than 87 calendar days after the date of this notice. If you choose to respond, please submit your response to the address shown on the first page of this letter. Also, please reference your I-140 receipt number, **EAC 03 091 52707**, in your response.



Σ Robert P. Wiemann, Director
Administrative Appeals Office

cc:

