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FILE: EAC 02 243 51597 Office: VERMONT SERVICE CENTER Date: AUG 22 2005

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:



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.

Maia Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

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 seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as an alien of exceptional ability in the sciences, arts, or business. The petitioner seeks employment as a registered nurse. 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 has not established that he qualifies for classification as an alien of exceptional ability, or 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 September 27, 2004, counsel indicated that a brief would be forthcoming within thirty days. To date, over ten 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. On August 9, 2005, the AAO allowed the petitioner five business days to re-submit a copy of any timely submitted brief. The AAO’s notice indicated that failure to respond within five business days could result in summary dismissal of the appeal. The time allowed has expired, and the AAO has received no response to this notice.

The statement on the appeal form reads simply: “We respectfully submit that as a Registered Nurse with specialized studies [the petitioner] qualifies for the visa he was denied.” This is a general statement that makes no specific allegation of error. The bare assertion that the director should have approved the petition is not sufficient basis for a substantive appeal.

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.