



U.S. Citizenship  
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FILE:

LIN 05 155 55186

Office: NEBRASKA SERVICE CENTER

Date:

MAR 05 2008

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Nebraska Service Center, denied the employment-based immigrant visa petition. The matter 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 an alien of exceptional ability in the arts, sciences, or business. The petitioner seeks employment as a management scientist. 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 February 23, 2007, counsel checked a box reading “I am not submitting a separate brief or evidence.” Counsel thereby indicated that the Form I-290B itself constituted the entirety of the appeal. The statement on the appeal form reads, in its entirety: “We believe Nebraska Service Center made an erroneous decision on 02/01/2007 as we firmly believe our client, [the petitioner], is aptly qualified to be granted a National Interest Waiver as outlined in our petition filed on 04/22/2005.”

This is a general statement that makes no specific allegation of error. The bare assertion that the director somehow erred in rendering the decision, or that the petition should have been approved, is not a 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.