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U.S. Department of Homeland Security
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Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

FILE: WAC 03 151 51772 Office: CALIFORNIA SERVICE CENTER Date: JUL 02 2004

IN RE: Petitioner: [redacted]
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:

[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.

Elizabeth O'Brien
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment based immigrant visa petition was denied by the Director, California 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:

> The arguments the INS officer provided to deny this application are based on prejudice and misunderstanding, and therefore, the denial decision is unfair. In fact, [the petitioner] is really an extraordinary scientist in the field of organic synthetic chemistry and medicinal chemistry, biochemistry, and molecular biology, who is notable, recommendable and respected. [The petitioner] has already achieved significant contributions that is [sic] benefiting the national interest of the United States and the world, and his research ability and potential are significantly above those well-qualified research scientists in his field of endeavor in the United States.

Counsel offers no specific arguments regarding the director's findings. For example, in regard to the petitioner's published work, the director observed that "it is difficult to conclude that a published article is important or influential if there is little evidence that other researchers have relied upon the petitioner's findings. Frequent citation by independent researchers, on the other hand, would demonstrate widespread interest, and reliance on the petitioner's work." The appellate submission is unaccompanied by evidence or arguments addressing the statements in the director's decision regarding the limited number of citations of the petitioner's published work.

Counsel indicated that a brief and/or evidence would be submitted to the AAO within thirty days. Counsel dated the appeal October 9, 2003. As of this date, more than eight months later, the AAO has received nothing further.

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. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.