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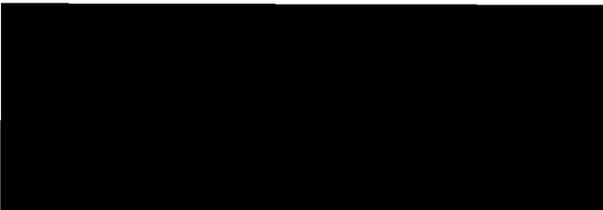
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

B3



FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: APR 06 2010
SRC 09 009 53256

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as Outstanding Professor or Researcher Pursuant to
Section 203(b)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(B)

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).


Perry Rhew
Chief, Administrative Appeals Office

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 dismissed.

The petitioner is an institution of higher education. It seeks to classify the beneficiary as an outstanding professor or researcher pursuant to section 203(b)(1)(B) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(B). The petitioner seeks to employ the beneficiary permanently in the United States as its director of institutional research and effectiveness. The petitioner was submitted without any of the supporting documents required pursuant to 8 C.F.R. § 204.5(i)(3). The director determined that the petitioner had not submitted the requisite initial evidence and denied the petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii).

On appeal, counsel asserts that the supporting documents were forwarded to him but inadvertently not included with the petition. Counsel claims to be submitting awards issued to the beneficiary, citations of the beneficiary's work, evidence that the beneficiary has served as a peer-reviewer, articles authored by the beneficiary and an offer of permanent employment. The appellate submission does not include any awards and the employment contract is for a one-year position.

As quoted by the director, the regulation at 8 C.F.R. § 103.2(b)(8)(ii) provides that if all the required initial evidence is not submitted, U.S. Citizenship and Immigration Services (USCIS) may deny the petition for lack of initial evidence. The commentary to this rule, *Removal of Standardized Request for Evidence Processing Timeframe*, 72 Fed. Reg. 19100, 19102 (April 17, 2007), indicates that the rule provides for the discretion to deny "skeletal" petitions that are filed "with little more than a signature and the proper fee" as such "clearly deficient" petitions will not be "permitted."

Counsel does not dispute that the initial petition was filed without any supporting documentation. Rather, counsel attempts to submit the necessary documentation for the first time on appeal. As USCIS clearly expressed that skeletal petitions should not be permitted, the director did not err in denying the petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii). We uphold the director's decision as consistent with the intent expressed at 72 Fed. Reg. at 19102.

ORDER: The appeal is dismissed.