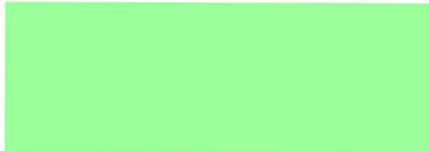


(b)(6)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W. MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



Date: **APR 09 2013** Office: TEXAS SERVICE CENTER

FILE:

IN RE: Petitioner:
Beneficiary:

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition, which is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner filed this immigrant petition seeking to classify the beneficiary as an outstanding 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, a Tennessee corporation, is self-described as a provider of industrial robotics. The petitioner seeks to employ the beneficiary permanently in the United States as a researcher in the field of robotics engineering.

The director determined that the petitioner had not established that the beneficiary had attained the outstanding level of achievement required for classification as an outstanding researcher. The director also found that the evidence submitted was not sufficient to determine whether the petitioner employs at least three persons full-time in research activities and has achieved documented accomplishments in an academic field. In addition, the director found that the petitioner did not establish that the beneficiary had three years of qualifying research/teaching experience in the academic field at the time of filing. The director further determined that the petitioner had not established its ability to pay the beneficiary the salary indicated on the petition.

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to the AAO for review. On the Form I-290B, notice of appeal, counsel for the petitioner states:

The record reflects through his leading roles at prominent institutions along with his history of original and pioneering research and judge of the work of others that [the beneficiary] has had a national and international effect on the field of robotics engineering. He has demonstrated that his work has met the criteria for the outstanding researcher petition.

Counsel indicated his brief and/or additional evidence was attached to the appeal.

In an accompanying letter dated November 27, 2012. Counsel states:

... clear evidence was submitted showing that in particular [the beneficiary] has made great contributions to the field through his research work in the field of robotics engineering, which was well attested to by his peers with whom he has worked and by independent testimonials from prominent members of the field.

The AAO notes that counsel does not identify specifically any erroneous conclusion of law or statement of fact on the part of the director.

The only additional evidence that the petitioner submits relating to the director's concerns is a letter from [redacted] the petitioner's chief executive officer, dated November 27, 2012, stating "[the petitioner] employees (sic) four full-time research scientist (sic)."

The petitioner's letter has not established that it employs the required three full-time researchers, in addition to the beneficiary. The petitioner has not submitted any documentary evidence establishing the identity of the employees or providing a description of their job duties in their employment with the petitioner. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r 1972)). We reiterate that the regulation at 8 C.F.R. § 204.5(i)(3)(iii)(C) states that the petitioner must "demonstrate" that it employs at least three full-time researchers. Thus, it is the petitioner's burden to establish this element of eligibility. The evidence submitted by the petitioner on appeal does not establish that it is a qualifying petitioner pursuant to 8 C.F.R. § 204.5(i)(3)(iii).

Even if this evidence was sufficient, and it is not, the petitioner has not addressed the remainder of the director's concerns.

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 relevant evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.