



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 11 2008

WAC 05 056 53307

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:

SELF-REPRESENTED

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, California Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The beneficiary 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 Form I-140 petition identifies the beneficiary as the “Founder/Chief Technical Officer” of a “new corporation . . . based on advanced computer security algorithm, data communication, IPsec, VPN and Info. Sc. in general.” It is not clear whether the petitioner had already founded the unnamed corporation, or simply intended to do so.

Part 1 of the Form I-140 petition, filed December 16, 2004, identifies [REDACTED] the beneficiary’s “business partner,” as the petitioner. In correspondence to the director dated March 16, 2005, the beneficiary stated: “I am interested in being the self petitioner for this petition.” The beneficiary cited no authority that would permit the beneficiary of a visa petition to substitute himself as the petitioner in this manner after the petition has been filed.

Nevertheless, review of the petition form indicates that the alien beneficiary is properly considered to be the petitioner. An applicant or petitioner must sign his or her application or petition. 8 C.F.R. § 103.2(a)(2). In this instance, Part 8 of the Form I-140, “Signature,” has been signed not by [REDACTED], but by the alien beneficiary himself. Thus, the alien, and not [REDACTED], has taken responsibility for the content of the petition. In this proceeding, the director correctly considered the beneficiary to be the petitioner, not because of the beneficiary’s March 2005 correspondence, but because the beneficiary signed the Form I-140 petition.

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 has not established 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 October 12, 2006, the petitioner did not indicate that he would submit a brief or evidence in the future; he indicated, instead, that his evidence accompanied the Form I-290B itself. Therefore, the submission accompanying the Form I-290B constitutes the entirety of the appeal.

Asked to “state the reason(s) for this appeal,” the petitioner simply stated: “Please refer to the separate letter attached to this form.” The “separate letter” does not contain any mention of the immigrant petition or its merits. Instead, the petitioner stated that he “has filed for judicial review at US Court in Los Angeles.” Accompanying documentation indicates that the petitioner had filed a motion relating to litigation which the petitioner had previously initiated against a private entity; the litigation in question is not directly related to the petition at hand.

The petitioner also submitted a copy of his book [REDACTED] and [REDACTED], which the petitioner self-published in 2006. The petitioner had already submitted another copy of the same book earlier in the proceeding. The re-submission of evidence already in the record adds nothing of substance to the proceeding, and the existence of the book is not a self-evident statement of grounds for appeal. Because the book existed prior to the denial of the petition, nothing in that book could reasonably be construed as a response or rebuttal to the grounds for denial.

Inasmuch as the petitioner 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.

The AAO notes that the present Form I-140 immigrant petition is one of eleven that the petitioner has filed on his own behalf. The receipt numbers of the other petitions are: SRC 91 252 00021; LIN 95 099 50156; SRC 96 085 50306; SRC 97 083 50229; WAC 99 047 51912; WAC 01 282 57256; WAC 03 265 54872; WAC 04 007 50186; LIN 06 218 52515; and LIN 06 249 52113. The approval of the earliest petition was automatically revoked, and all of the remaining petitions were denied. The petitioner appealed five of the ten denials; four of those appeals were dismissed prior to the adjudication of the present appeal. The petitioner filed most of these petitions after he was ordered removed from the United States on October 23, 1995. That removal order still stands, following the petitioner's unsuccessful challenges between 1995 and 2002.

**ORDER:** The appeal is dismissed.