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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**

B5

FILE:

SRC 08 207 51384

Office: TEXAS SERVICE CENTER

Date:

NOV 09 2009

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.

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 preference visa petition was denied by the Director, Texas Service Center, and now the matter is before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner designs and manufactures ultrasonic instruments. It seeks to employ the beneficiary permanently in the United States as a research and development engineer (ultrasound). The director found that the petitioner had failed to submit all required initial evidence. Specifically, the director found that the petition was submitted without evidence to demonstrate that the beneficiary is a professional holding an advanced degree. The director denied the petition accordingly.

On appeal, the petitioner has failed to identify any erroneous conclusion of law or statement of fact made by the director. The petitioner acknowledges that it failed to submit the required initial evidence, and states that its failure was due to a “preparation mistake.” Although the petitioner has submitted a copy of the beneficiary’s Doctor of Philosophy diploma on appeal, this does not change the fact that the petitioner failed to submit all required initial evidence with the petition. As stated in 8 C.F.R. § 103.2(b)(8)(ii), where all required initial evidence is not submitted with the petition, USCIS may deny the petition for this reason.

As stated in 8 C.F.R. § 103.3(a)(1)(v), any appeal that fails to specifically identify any erroneous conclusion of law or statement of fact will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the petition. On appeal, the petitioner has not specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.