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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

B5



DATE: JUN 24 2011

Office: TEXAS SERVICE CENTER

FILE: 

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:



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 law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
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 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 seeks employment as a physician. The petitioner asserts that an exemption from the requirement of a job offer, and thus of an alien employment certification, is in the national interest of the United States.

The director, in a two and a half page detailed decision, 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. Specifically, the director noted that the petitioner's medical practice was limited to his location, that the record contained only a single publication and that the petitioner's collaboration on a new medical device was incomplete.¹ Thus, the director concluded that the petitioner had not demonstrated contributions beyond those expected of a U.S. worker with similar qualifications.

On appeal, counsel submits a one-page letter. In her letter, counsel acknowledges that the medical societies of which the petitioner is a member do not require outstanding achievements but notes that "this is the norm." The director, however, did not raise the issue of the petitioner's memberships as a basis for denial. Counsel further asserts generally that the petitioner's publication record, leading roles and judging experience distinguish him from his peers but does not allege any *specific* factual or legal errors in the director's decision. In fact, counsel's assertions do not appear to relate to this petitioner as counsel references an "impressive" publication record and "citations in prominent journals." The record, in fact, contains no citations and counsel has not previously advanced this claim. Counsel makes no response to the director's concern that the benefits of the petitioner's work would be local.

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.

Counsel here 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 summarily dismissed.

¹ None of the manuscripts in the record, in fact, bear indicia of publication and the petitioner did not provide journal citations for the "papers" listed on his curriculum vitae.