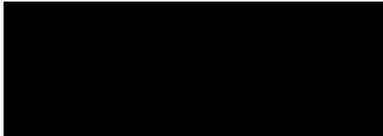


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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



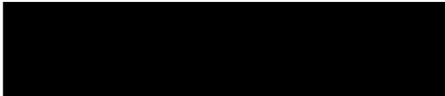
B5

DATE: **AUG 08 2012**

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 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 in accordance with the instructions on 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,

Perry Rhew
Chief, Administrative Appeals Office

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

The petitioner, a physician, 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 asserts that an exemption from the requirement of a job offer 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.

An 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. 8 C.F.R. § 103.3(a)(1)(v). On the Form I-290B Notice of Appeal, the petitioner checked a box reading “No supplemental brief and/or additional evidence will be submitted.” Therefore, the initial appellate submission (comprising Form I-290B and a copy of the denial notice) constitutes the entire appeal.

The petitioner states: “THE RECORD REFLECTS [THE PETITIONER] IS AN ADVANCED DEGREE PROFESSIONAL WITH EXCEPTIONAL ABILITY IN THE FIELD OF EXPERTISE. HER WORK IN THE FIELD OF MEDICINE HAS SUBSTANTIAL INTRINSIC MERIT. HER WORK IS NATIONAL IN SCOPE.” (Capitalization in original.) The director had not cited any of those factors as grounds for denial of the petition.

The petitioner states that she “has been invited to write a chapter for the American Society of Anesthesiology’s Manual of Operating Room Design.” The director acknowledged this work in the denial notice. Thus, the petitioner simply repeats a claim that the director already took into account.

Finally, the petitioner states: “She has been selected to present her research in very prominent conferences and annual meetings (including posters).” The petitioner then identifies six hospitals and other health care facilities where those meetings took place. The petitioner, however, does not explain why this information should have led to the approval of the petition. A list of hospitals does not demonstrate an error of fact or law in the director’s decision. The director, in the denial notice, had acknowledged the petitioner’s participation in research, and concluded “the petitioner’s articles have not been published nor cited.” A list of hospitals does not rebut this conclusion.

The petitioner’s statement on appeal contains no specific allegation of error. The bare assertion that the director should have approved the petition, coupled with a list of the petitioner’s professional activities, is not a sufficient basis for a substantive appeal. Because the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the AAO must summarily dismiss the appeal.

ORDER: The appeal is dismissed.