



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: **AUG 25 2014** OFFICE: NEBRASKA SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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:
[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based immigrant visa petition. The matter is now before us at the Administrative Appeals Office on appeal. We will summarily dismiss the appeal.

The petitioner filed the Form I-140, Immigrant Petition for Alien Worker, on August 15, 2012, seeking classification under section 203(b)(2) of the Immigration and Nationality 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 specializing in cardiology. 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 denied the petition on September 30, 2013, having found that the petitioner established that he qualifies for classification as a member of the professions holding an advanced degree, but not that an exemption from the requirement of a job offer would be in the national interest of the United States.

The U.S. Citizenship and Immigration Services regulation at 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.”

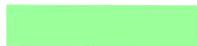
On the Form I-290B Notice of Appeal, the petitioner indicated that no brief or additional evidence would follow. Therefore, Form I-290B and the accompanying three-page statement constitute the entire appeal.

Most of the appellate statement is drawn directly from the petitioner’s previous response to the director’s April 27, 2013 request for evidence (RFE) and does not address the points raised in the denial notice. On appeal, and in his response to the RFE, the petitioner lists his conference presentations, identifies a book chapter he wrote, and states that “[c]itations to his work have appeared in multiple journals.” As with his RFE response, the petitioner’s appellate statement also identifies two journals for which he has acted as a peer reviewer and both includes the assertion that the petitioner “is very highly regarded for his clinical abilities.”

In the denial notice, the director addressed the petitioner’s articles and their citation history, his conference presentations, and his clinical work. The appellate statement does not address or overcome the director’s conclusions, instead repeating prior claims that the director already took into account. The director’s decision did not specifically mention the petitioner’s peer review work, but the appellate statement does not say why this work should qualify the petitioner for the benefit sought; it only says that such work occurred.

The director’s decision included a substantive discussion of the petitioner’s evidence and an explanation as to why the evidence did not establish the petitioner’s eligibility for the benefit sought. The statement submitted on appeal does not address, rebut, or overcome the director’s specific findings. The general statement that the petitioner submitted “clear evidence” of eligibility, followed by repetition of claims that predate the denial, do not specifically identify an erroneous conclusion of law or statement of fact that would support his appeal.

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NON-PRECEDENT DECISION

Because the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, we must summarily dismiss the appeal.

ORDER: The appeal is dismissed.