



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF RNS-, INC.

DATE: JULY 19, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a staffing and recruitment business, seeks to employ the Beneficiary as a physical therapist. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director, Nebraska Service Center, denied the petition. The Director determined that the Petitioner had not established that the Beneficiary met the required qualifications stated on the labor certification for classification as an advanced degree professional under section 203(b)(2) of the Act. The Director also concluded that the Petitioner had not established: (1) that the position offered constituted a *bona fide* job offer of permanent employment; (2) whether the position offered was a supervisory position over other employees; (3) and whether the Petitioner met the necessary requirements for Schedule A classification, a classification in which the Petitioner does not have to undertake a test of the labor market with the U.S. Department of Labor prior to filing the petition.

The Petitioner filed the appeal on October 1, 2015, and indicated that a brief would be filed within 30 days. As of this date, more than 9 months later, we have received nothing further. The regulation requires that any brief shall be submitted directly to us. 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii).

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 on the Form I-290B, Notice of Appeal or Motion. The Petitioner has not submitted a brief or provided a statement or any additional evidence. The Petitioner has not even expressed disagreement with the Director's decision. The appeal must therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of RNS-, Inc.*, ID# 17027 (AAO July 19, 2016)