



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

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

In Re: 20844134

Date: JUNE 7, 2022

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Advanced Degree, Exceptional Ability, National Interest Waiver)

The Petitioner, an architect, seeks second preference immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Texas Service Center denied the petition, concluding that the Petitioner qualified for classification as a member of the professions holding an advanced degree but that the Petitioner had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The matter is now before us on appeal.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will summarily dismiss the appeal. *See* 8 C.F.R. § 103.3(a)(1)(v).

The Petitioner filed the appeal on December 21, 2020.<sup>1</sup> The extent of the Petitioner's statement of the basis for the appeal is:

Petitioner's I-140 was erroneously denied. Petitioner is eligible for a National Interest Waiver under INA 203(b)(2)(B), whereas the endeavor has substantial merit and national importance, he is well positioned to advance the proposed endeavor, and it would be beneficial for the U.S. to waive the requirements of a job offer and labor certification.

The Petitioner indicates that he will "submit my brief and/or additional evidence to the AAO within 30 calendar days of filing the appeal." However, we have not received a brief or other statement that specifically identifies an erroneous conclusion of law or statement of fact in the Director's decision,

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<sup>1</sup> We note that the Petitioner filed a combined motion to reopen and motion to reconsider with the Director on December 22, 2020. The Director dismissed the combined motion. Because the appeal filing date predates the combined motion filing date, the motion decision is not within the scope of review for the appeal.

other than the general assertion that the Petitioner satisfies the eligibility criteria for the requested benefit. *See* 8 C.F.R. § 103.3(a)(1)(v). Therefore, we will summarily dismiss the appeal. *See id.*

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