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U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
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Washington, D.C. 20536



File: WAC 99 134 54445 Office: California Service Center

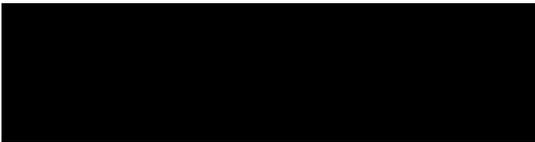
Date: AUG 11 2004

IN RE: Petitioner:
Beneficiary:



Petition: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(1)(A)

IN BEHALF OF PETITIONER:



Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(1)(A), as an alien of extraordinary ability in the sciences and education. The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, counsel for the petitioner merely stated:

The [director's] denial was based, in part, on the fact that the petitioner's publications were about his field of specialization, architecture, rather than about the petitioner himself which ignores the Service's regulatory requirements... Similarly, the [director] erred in failing to consider published material and critical reviews of the petitioner's publications because the articles also discussed the subject matter of the petitioner's publications.

The record does not support counsel's conclusions. The director's decision offered a detailed discussion of the petitioner's evidence under each of the relevant regulatory criteria set forth in the Service regulation at 8 C.F.R. 204.5(h)(3). In regards to the criterion at 8 C.F.R. 204.5(h)(3)(iii), the director properly noted that several of the petitioner's submissions did not feature the petitioner as the main subject of the articles. The plain wording of the regulation requires the petitioner to submit "published material about the alien," and articles or citations that barely mention the petitioner cannot satisfy this criterion.

In regards to the criterion at 8 C.F.R. 204.5(h)(3)(vi), the director indicated that the petitioner had provided no evidence to show that the articles he authored appeared in major media. A review of the evidence again supports the director's conclusion.

Counsel indicated that he would submit a brief and/or evidence to the Administrative Appeals Unit ("AAU") within thirty days. Counsel dated the appeal April 11, 2001. As of this date, more than sixteen months later, the AAU has received nothing further. 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 has offered no tenable arguments pertaining to specific evidence in the record and has not clearly identified any errors in the wording of the director's decision. Furthermore, counsel has not specifically addressed the director's findings pertaining to the remaining regulatory criteria at 8 C.F.R. 204.5(h)(3) and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.