

**PUBLIC COPY**

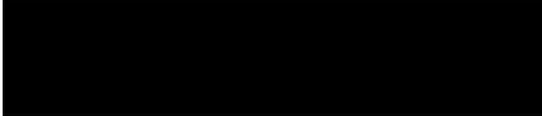
U.S. Department of Homeland Security

Citizenship and Immigration Services

B2

**identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**

ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass., 3/F  
425 I Street N.W.  
Washington, D.C. 20536



NOV 19 2003

File: WAC 02 233 53244

Office: CALIFORNIA SERVICE CENTER

Date:

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:



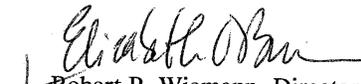
**INSTRUCTIONS:**

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 Citizenship and Immigration Services (CIS) 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.

  
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 Administrative Appeals Office (AAO) on appeal. The appeal will be summarily 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 arts. 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.

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, filed on March 17, 2003, counsel indicates that a brief and/or evidence is being submitted to the AAO within thirty days. As of this date, more than six months later, the AAO has received nothing further. Thus, the reasons contained for the appeal, as stated on the Form I-290B, represents the entirety of the appeal.

On appeal, counsel asserts:

The district [sic] director failed to consider all of the evidence presented in support of the I-140 self petition. The district [sic] director made erroneous findings of fact and law in support of his decision. Further, the district [sic] director’s factual findings are not supported by the evidentiary record. In addition, the district [sic] director applied an improper and unsupported standard of proof.

In denying the petition, the director analyzed the evidence contained in the record and explained why the evidence was not sufficient to establish the petitioner’s eligibility. Counsel, on appeal, offers no rebuttal to any of the director’s specific observations and findings. Counsel does not point to any specific evidence that the director failed to consider, nor does counsel indicate where the director made erroneous findings or applied improper standards of proof.

The director has already stated that the initial evidence is insufficient, and merely stating that the director’s decision was erroneous, without specifically addressing any of the director’s findings regarding the evidence, is not sufficient basis for a substantive appeal. We find that counsel’s statements on appeal contain no specific allegation of error.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

**ORDER:** The appeal is dismissed.