

U.S. Department of Homeland Security

Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE

CIS, AAO, 20 Mass., 3/F

425 I Street, N.W.

Washington, D.C. 20536

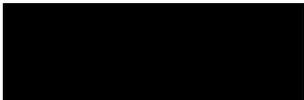


NOV 24 2003

File: EAC 02 010 53343 Office: Vermont 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:

SELF-REPRESENTED

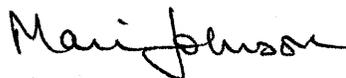
INSTRUCTIONS:

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.

for 
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment based immigrant visa petition was denied by the Director, Vermont 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. The director determined the petitioner had not established that he qualifies for classification as an alien of extraordinary ability.

The petition was filed on October 3, 2001. Under Part 2 of Form I-140, the petitioner checked two boxes indicating that he was seeking classification as an alien of extraordinary ability and as an outstanding professor or researcher. A letter accompanying the petition, dated September 25, 2001, indicated that the petitioner was seeking a "change of visa status in Public/National Interest."

On December 3, 2001, the director issued a request for evidence ("RFE") pertaining to the regulatory criteria for aliens of extraordinary ability.

In response, the petitioner submitted a letter dated December 29, 2001, stating:

While I fully appreciate your viewing this petition within your prescribed norms, I once again appeal to your conscience, to consider this petition as something truly extraordinary, which merits its own examination, evaluation and experimentation.

Being rooted in a "Divine Dispensation" and to be treated as the commonwealth of all humankind, it does not allow for any:

1. Self-projection, -promotion, solicited recognition or reward.
2. Commercial manipulation or exploitation for material self-gain.

On May 13, 2002, the director issued a second RFE, stating: "It does not appear that your petition is approvable as filed, because you have checked boxes 'a' and 'b' in Part 2 [of the I-140]. Regulations allow for adjudicating one classification for the petition. Kindly indicate which one of the classifications you are filing for." Once again, the director requested evidence pertaining to the regulatory criteria for aliens of extraordinary ability.

In response, the petitioner submitted a letter dated July 13, 2002, stating:

I sincerely appreciate your predicament in processing my petition, which is perhaps the only one of its kind, and as such, does not fall within your standard criteria and parameters, because it deals with something so pioneering and seminal in character, that no existing center of learning in the world can exclusively evaluate and judge it. It was not motivated by any recognition or reward.

I earnestly request you to refer my case to an Immigration Judge, so that I may be able to state the exact purpose of my visit, hopefully, in an in-camera testimony, as its detailed public exposure is fraught with serious risk of abuse and misuse by the highly intelligent but not-so-wise or misguided members of the species.

On February 27, 2003, the director denied the petition, stating that the petitioner had failed to submit documentation pertaining to the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

On appeal, the petitioner states:

In order to ensure its safe custody and positive applications, the key information will be confidentially submitted and explained in a court of law, as it is too sensitive to be made public.

* * *

[T]he entire thought process merits a totally confidential treatment in order to find its expeditious and peaceful applications. In order to support my own intentions and integrity, in not seeking any personal fame or fortune, I hereby volunteer to be kept in solitary confinement of any kind during a comprehensive scrutiny of this project. In fact, after handing over, explaining and demonstrating its overall details, I would like to liberate my soul from the prison of the body.

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.

The petitioner has not specifically addressed the reasons stated for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.