



U.S. Citizenship  
and Immigration  
Services

B7

[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: OCT 01 2004

IN RE:

Petitioner:  
Beneficiary:

[REDACTED]

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)

ON BEHALF OF PETITIONER:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann, Director  
Administrative Appeals Office

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office 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 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. The director further concluded that the petition could not be approved pursuant to Section 204(c) of the Act based on the beneficiary's prior marriage entered into solely to obtain immigration benefits.

On appeal, counsel stated that he would submit a brief and/or evidence to the Administrative Appeals Office (AAO) within 60 days. On the Form I-290B, counsel asserted that the beneficiary's prior marriage was invalid and, thus, cannot be used as a basis for denying the petition under Section 204(c), which requires that the alien have "entered into" the marriage. Counsel, however, provides no precedent decision to support that assertion<sup>1</sup> and no specific argument to rebut the director's conclusion that the record does not establish the beneficiary's national or international acclaim.

Counsel dated the appeal February 25, 2004. As of this date, more than six months later, the AAO 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 here 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.

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<sup>1</sup> In *Matter of Samsen*, 15 I&N Dec. 28 (BIA 1974), the Board remanded a matter for consideration as to whether an invalid marriage was entered into for the purpose of evading immigration laws. While the Board held that an invalid marriage was not necessarily evidence that the marriage was a "sham," if an alien could not ever be considered to have "entered into" an invalid marriage, the Board would not have remanded the matter for a determination of the alien's intent.