



U.S. Citizenship
and Immigration
Services

102

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: SEP 07 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:

SELF-REPRESENTED

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

Robert P. Wiemann, Director
Administrative Appeals Office

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identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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. The director determined the petitioner had not earned the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, the petitioner states: "Some of the 'This criterion has not been met' are results of no evidences [sic]. I will supply the evidences [sic] for this appeal. Considering I have to receive the mails from China and I have asked my relative to seek them out from my piles of materials, I ask for 90 days to submit evidences [sic]."

The appellate submission was unaccompanied by arguments or evidence addressing the pertinent regulatory criteria at 8 C.F.R. § 204.5(h)(3).

It is noted that the director issued a request for evidence pertaining to the regulatory criteria at 8 C.F.R. § 204.5(h)(3) on April 22, 2003. The director denied the petition on December 27, 2003, based on the petitioner's failure to satisfy the regulatory criteria. In this matter, the petitioner was put on notice of the required evidence and given a reasonable opportunity to provide it for the record before the visa petition was adjudicated. The petitioner failed to submit the requested evidence and now requests the opportunity to provide this evidence subsequent to filing his appeal (more than nine months after the evidence was initially requested by the director). If the petitioner had wanted certain evidence to be considered, it should have submitted with the documents provided in response to the director's request for evidence. *See Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Obaighena*, 19 I&N Dec. 533 (BIA 1988).

The petitioner indicated that a brief and/or evidence would be submitted to the AAO within ninety days. The appeal was filed on January 21, 2004. As of this date, more than seven 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.

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.