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FILE: [Redacted]
EAC 05 046 50105

Office: VERMONT SERVICE CENTER

Date: **DEC 19 2005**

IN RE: Petitioner: [Redacted]
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.

Maigerson

R 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 the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, the petitioner states: "According to the list of evidences, I enclosed the supporting documentation and material for your further reference. I sincerely request your favorable consideration towards my petition as an outstanding person with extraordinary ability. Thank you for your consideration."

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

Aside from two documents entitled "Brief Introduction of Chinese Folk Artists Association" and "The Chinese Artist Association Introduction," the documentation submitted on appeal consists of previously submitted evidence. In regard to the membership information submitted on appeal from the Chinese Folk Artists Association and the Chinese Artist Association, we note that on April 5, 2005, the director issued a request for evidence stating: "If the [petitioner] holds memberships which require outstanding achievements of their members, please provide a statement from the institution that granted the membership that outlines the criteria used to grant membership." In her June 30, 2005 response to the director's request for evidence, the petitioner failed to submit the requested documentation.

The regulation at 8 C.F.R. § 103.2(b)(8) states that the petitioner shall submit additional evidence as the director, in his or her discretion, may deem necessary. Where, as here, the petitioner had been put on notice of a deficiency in the evidence and had been given an opportunity to respond to that deficiency, the AAO will not accept evidence offered for the first time on appeal. *See Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *see also Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988). If the petitioner had wanted the membership information from the Chinese Folk Artists Association and the Chinese Artist Association to be considered, she should have submitted that information in response to the director's request for evidence.¹ *Id.* Under the circumstances, the AAO need not and does not consider the sufficiency of the evidence submitted on appeal.

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.

¹ Even if we were to accept this evidence on appeal (which we do not), the information submitted by the petitioner regarding these associations is not adequate to satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(ii). Further, this information addresses only one of the ten criteria at 8 C.F.R. § 204.5(h)(3). In order to establish the sustained national or international acclaim necessary to qualify as an alien of extraordinary ability, however, the petitioner must submit evidence that satisfies at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3).

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The petitioner has not addressed the reasons stated for denial, nor specifically challenged any of the director's findings. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.