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BA

FILE: 
EAC 04 096 50301

Office: VERMONT SERVICE CENTER

Date: **DEC 21 2005**

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)

ON BEHALF OF PETITIONER:



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

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 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 sciences. The director determined that the petitioner had not established the sustained national or international acclaim requisite to classification as an alien of extraordinary ability.

On Form I-290B counsel stated that the petitioner's "application was denied arbitrarily and capriciously. He was not accorded due process and the opportunity to submit additional evidence of his preeminence. He would like to do so now. We will forward proof that he meets the requirements of preeminence in the arts." Counsel indicated that she would send a brief and/or additional evidence to the AAO within 30 days. Counsel dated the appeal February 3, 2005. As of this date, over ten months later, the AAO has received nothing further from counsel or the petitioner. On December 2, 2005, the AAO sent counsel a facsimile asking her to submit copies of any brief or evidence submitted on appeal and informing counsel that failure to respond within five business days could result in the summary dismissal of the petitioner's appeal. As of this date, over 13 days later, counsel has not responded.

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 addressed the stated reasons for denial, has not specifically identified any factual or legal errors in the director's decision and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.