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U.S. Citizenship
and Immigration
Services



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FILE: WAC 03 093 53533 Office: CALIFORNIA SERVICE CENTER Date: JAN 31 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:



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.


for
Robert P. Wiemann, Director
Administrative Appeals Office

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 dismissed.

The petitioner seeks to classify the beneficiary 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 beneficiary's sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

The regulation at 8 C.F.R. § 103.3(a)(2)(vii) provides

Additional time to submit a brief. The affected party may make a written request to the [AAO] for additional time to submit a brief. The [AAO] may, for good cause shown, allow the affected party additional time to submit one.

The Form I-290B Notice of Appeal provides:

You may submit a brief, statement, and/or evidence with this form. Or you may send these materials to the [AAO] within 30 days of the date you sign this form. . . . If you need more than 30 days, you must explain why in a separate letter attached to this form. The [AAO] may grant more time only for good cause.

(Emphasis in original.) On appeal, counsel stated that he would submit a brief and/or evidence to the Administrative Appeals Office (AAO) within 150 days. In a separate letter, the petitioner notes that the director "criticized virtually all of the voluminous evidence" and states:

Accordingly, based upon this experience, and our counsel's experience in other cases, we believe that it will take up to 150 days to collect and submit substantial additional evidence and argument to the [AAO] to establish that [the beneficiary] meets the regulatory standard for this category, and believe that our request meets the "for good cause" standard.

Counsel dated the appeal June 15, 2004. As of this date, approximately seven months later, the AAO has received nothing further. Moreover, neither the petitioner nor counsel identified a particular item that would take 150 days to procure or explained why it would take so long. The petitioner was afforded 12 weeks to respond to a request for additional evidence and 30 days to file the appeal. An additional 30 days is automatically granted to submit additional evidence and/or a brief. A mere statement that good cause exists to allow 150 days to supplement the record is insufficient.

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.

