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U.S. Citizenship
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FILE:

[REDACTED]
EAC 04 063 52292

Office: VERMONT SERVICE CENTER

Date: OCT 11 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.

Mari Johnson

8 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 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.

On appeal, the petitioner states:

I was approved by INS to work for [REDACTED] to perform Peking Opera on October 2, 2003 in America. This indicated that I am equipped with very unique ability in Peking Opera. During the performance tour in America, I was deeply impressed by American people's eagerness to know and understand the traditional Chinese culture, Peking Opera. I feel I have such an [sic] commitment to continue this kind of performance.

The appellate submission was unaccompanied by arguments or evidence addressing the pertinent regulatory criteria at 8 C.F.R. § 204.5(h)(3).¹

The petitioner indicated that a brief and/or evidence would be submitted to the AAO within 90 days. The appeal was filed on July 22, 2004. As of this date, more than fourteen 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.

¹ The record reflects that the petitioner has been present in the United States since January 8, 2000, but there is no evidence showing that the petitioner has been involved in any work related to Peking Opera performances during the last five years. Specifically, the petitioner has been the beneficiary of an approved P-3 nonimmigrant petition that authorized him to work in the United States as an artist/entertainer from October 2, 2003 to January 1, 2004 (SRC 03 213 50833, filed by Song Shan Culture Center Inc. of Lilburn, Georgia). Astonishingly, the petitioner has submitted no evidence of his work as a performer even during that authorized period.