



U.S. Citizenship  
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FILE: [REDACTED]

Office: VERMONT SERVICE CENTER

Date: SEP 08 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*

*RP* 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 the arts. The director determined the petitioner had not established that he qualifies for classification as an alien of extraordinary ability.

On appeal, the petitioner states:

About the list of dates and venues of all of my performances in 2002, I am preparing now [sic]. I request to release more time to me for my preparation [sic].... About the list of the dates and venues of all my performances from January 2003 to May 2003, I am preparing too [sic]. I also request more time to me for my preparation [sic].

The appellate submission included photocopies of documentation previously submitted into the record. The petitioner's submission did not include any new evidence or arguments addressing the pertinent regulatory criteria at 8 C.F.R. § 204.5(h)(3).

It is noted that on May 7, 2003, the director issued a notice requesting that the petitioner provide "the dates and venues of all of the [petitioner's] performances" from January 2002 to April 2003. The director denied the petition on December 27, 2003, based on petitioner's failure to submit the requested documentation and to satisfy at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3). The purpose of the request for evidence is to elicit further information that clarifies whether eligibility for the benefit sought has been established, as of the time the petition is filed. *See* 8 C.F.R. §§ 103.2(b)(8) and (12). The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14). 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 six months after the evidence was initially requested by the director). If the petitioner had wanted certain evidence to be considered, that evidence 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).

On appeal, the petitioner indicates that the listing of the dates and venues of his performances will be submitted to the AAO at a later date. The appeal was filed on November 17, 2003. As of this date, more than ten 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 adequately addressed the reasons stated for denial and has not provided any new evidence. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.