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U.S. Citizenship  
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Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: JAN 17 2007  
EAC 06 023 51017

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.

Robert P. Wiemann, Chief  
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 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 that the beneficiary has earned the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, counsel states: "The Service Center erred in its decision and in the time it gave Petitioner and Beneficiary to respond to its letter dated December 29, 2005."

On December 29, 2005, the director issued a notice of intent to deny informing the petitioner of its failure to demonstrate that the beneficiary meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3). The director further stated that the record failed "to establish that the beneficiary is one of that small percentage of individuals who have risen to the very top of his field of endeavor." The petitioner was afforded 30 days in which to respond to the director's notice of intent to deny. The petitioner failed to respond to the director's notice within the time period specified by the director.

On March 6, 2006, the director denied the petition, finding that the petitioner had failed to establish that the beneficiary meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3). We concur with the director's findings.

In this case, the petitioner was put on notice of the deficiencies in the record and given a reasonable opportunity to respond before the visa petition was adjudicated. The petitioner's appellate submission includes no arguments specifically challenging the director's findings or evidence pertaining to the regulatory criteria at 8 C.F.R. § 204.5(h)(3). On appeal, counsel indicated that a brief and/or evidence would be submitted to the AAO within 30 days. The appeal was filed on April 3, 2006. As of this date, more than nine 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 relevant to the classification sought. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.