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U.S. Citizenship
and Immigration
Services

B2

[Redacted]

FILE:

[Redacted]

Office: NEBRASKA SERVICE CENTER

Date: SEP 01 2004

IN RE:

Petitioner:

[Redacted]

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:

[Redacted]

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 Plussa

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment based immigrant visa petition was denied by the Director, Nebraska 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 that he qualifies for classification as an alien of extraordinary ability.

On appeal, counsel states:

The Service Center incorrectly determined that the petitioner did not meet the requirements under the first preference employment category. Specifically, [the] petitioner meets 3 of the ten listed criteria; the Service Center incorrectly determined that he met 1 of the 10 requirements. [The] petitioner respectfully requests 30 days to file his brief in order to explore the issues raised on appeal.

Counsel asserts that the "petitioner meets 3 of the ten listed criteria," but he does not identify the two additional criteria at 8 C.F.R. § 204.5(h)(3) that the petitioner has fulfilled. The appellate submission was unaccompanied by arguments or evidence specifically addressing the pertinent regulatory criteria at 8 C.F.R. § 204.5(h)(3).

Counsel indicated that a brief and/or evidence would be submitted to the AAO within thirty days. The appeal was filed on March 4, 2004. As of this date, more than five 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.