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U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



File: SRC-01-276-50961 Office: Texas Service Center Date: SEP 04 2002

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(O)(i) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(O)(i)

IN BEHALF OF PETITIONER: [Redacted]

Public Copy

INSTRUCTIONS:
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Texas Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The petitioner is a hair salon. The beneficiary is a hair stylist. The petitioner seeks O-1 classification of the beneficiary and extension of his stay as an alien with extraordinary ability in the arts pursuant to section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the "Act"). The petitioner seeks to continue to employ the alien as a hair stylist, salon manager, and instructor at a salary of \$1,000 per week.

The director denied the petition on the grounds that the petitioner failed to establish that the beneficiary satisfies the regulatory standards for classification as an alien with extraordinary ability in the arts.

On appeal, counsel for the petitioner asserted that the center director "engaged in Professional [sic] incompetence in violation of the Attorney General's instructions and made error in fact and law." Counsel indicated that a brief would be submitted within sixty days on or before May 25, 2002. As of this date, however, no brief has been received. Therefore, the record will be considered complete as presently constituted.

8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as the petitioner has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

It is noted that O-1 nonimmigrant visa classification is available to a qualified alien to come to the United States to perform services relating to an event or events if petitioned for by an employer. 8 C.F.R. 214.2(o)(1)(i). *Event* means an activity such as, but not limited to, a scientific project, conference, convention, lecture series, tour, exhibit, business project, academic year, or engagement. Such activity may include short vacations, promotional appearances, and stopovers which are incidental and/or related to the event. 8 C.F.R. 214.2(o)(3)(ii).

In this case, the beneficiary appears to be employed as a stylist and manager of a hair salon and has been so employed since 1997. This is not the type of specific event contemplated for the temporary employment of a alien with extraordinary ability in the arts. An O-1 classification may not be granted to an alien to enter the United States to free lance in the open market. 59

Fed.Reg. 41818-41842 (Aug. 15, 1994). An O-1 alien must be coming to the United States for specific events. The employment represented by the instant petition does not satisfy the requirement of an event or events within the meaning of 8 C.F.R. 214.2(o)(1)(i). For this reason as well, the petition may not be approved.

ORDER: The appeal is summarily dismissed.