



U.S. Citizenship
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Date: **APR 13 2004**

FILE: WAC 03 093 51138 Office: CALIFORNIA SERVICE CENTER

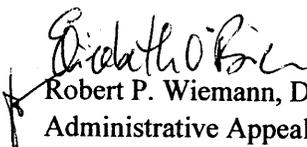
IN RE: Petitioner:
Beneficiary:

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)

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, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California Service Center. An appeal was timely filed. The matter is now before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The petitioner filed a Form I-129, Petition for a Nonimmigrant Worker, seeking O-1 classification of the beneficiary, under section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(O)(i), as an alien of extraordinary ability in the arts. The petitioner seeks to employ the beneficiary for a period of three years as a principal acrobat.

The director denied the petition, finding that the petitioner failed to establish that the beneficiary has sustained national or international acclaim. Although the AAO concurs with the director's decision to deny the petition, it is noted that the director's decision was deficient to the extent that it failed to evaluate the evidence submitted in relation to each of the criteria set forth at the regulation at 8 C.F.R. § 214.2(o)(3)(iv).

On appeal, counsel for the petitioner states as the reason for the appeal that the decision is arbitrary and capricious and not in accordance with laws and regulations. Counsel for the petitioner further indicates that he would submit a brief and/or additional evidence to the AAO within thirty days of the appeal. More than four months have lapsed since the date of the appeal and as of this date, no further documentation has been received.

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.

ORDER: The appeal is dismissed.