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U.S. Citizenship  
and Immigration  
Services

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FILE: EAC 03 012 51382 Office: VERMONT SERVICE CENTER Date: MAY 25 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.

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 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 the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, the petitioner states: "Much has changed in my position in the last two years since I first filed this case. If given time, I feel that I would be able to satisfy the requirements of the USCIS."

A petitioner, however, must establish eligibility at the time of filing. Subsequent developments in the petitioner's career cannot retroactively establish that he was already eligible for the classification sought as of the filing date. *See Matter of Katigbak*, 14 I&N Dec. 45 (Comm. 1971).

The petitioner indicated that a brief and/or evidence would be submitted to the AAO within sixty days. The appellate submission was unaccompanied by arguments or evidence addressing the pertinent regulatory criteria at 8 C.F.R. § 204.5(h)(3). The appeal was filed on October 4, 2004. The petitioner, through his unaccredited representative, subsequently submitted a letter acknowledging that the petitioner had not submitted a brief and/or evidence. As of this date, more than seven months after the appeal was filed, the AAO has received no documentation challenging the director's findings.

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.