

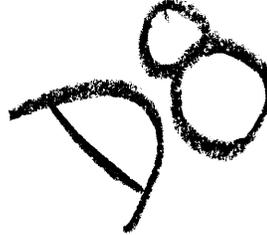
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
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U.S. Citizenship
and Immigration
Services

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FILE:

Office: VERMONT SERVICE CENTER

Date: **MAY 25 2005**

IN RE:

Petitioner:

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:

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.

A handwritten signature in black ink, appearing to be "R. P. Wiemann", written in a cursive style.

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.

It is noted that two appeals have been filed for this petition. The petitioner herself filed Form I-290B, Notice of Appeal, on October 13, 2004 (receipt number EAC 05 010 51653). On October 14, 2004, counsel for the petitioner filed a subsequent Form I-290B (receipt number EAC 05 011 50176). The regulations, however, do not permit the filing of multiple appeals for the same decision. While the latter appeal will be rejected as improperly filed, its content will be considered as a supplement to the initial appeal because it was received within the thirty-day period requested by the petitioner.

On appeal, the petitioner states: "I will provide additional documentation to support my petition. I strongly believe I have a good case to demonstrate my exceptional abilities as a musician."

The appeal filed by counsel states that the director's decision "ignored the evidence submitted as a whole," "did not address the evidence to any significant extent," and "simply declares the evidence insufficient, with out explanation." We find, however, that the director's did include an adequate analysis of the evidence provided in support of the petition. Neither counsel nor the petitioner specifically challenges any of the director's observations.

Both appeals indicated that a brief and/or evidence would be submitted to the AAO within thirty days. Neither appellate submission was accompanied by arguments or evidence addressing the pertinent regulatory criteria at 8 C.F.R. § 204.5(h)(3). The initial appeal was filed on October 13, 2004. As of this date, more than seven 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.