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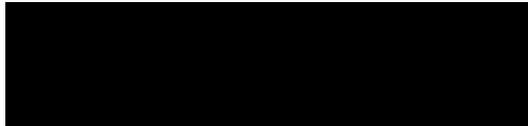
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FILE: EAC 04 175 55069 Office: VERMONT SERVICE CENTER

Date: **DEC 21 2005**

IN RE: Petitioner:
Beneficiary:



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

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.

Mari Johnson

2 Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Acting Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner filed a Form I-129 (Petition for a Nonimmigrant Worker) seeking classification of the beneficiary under section 101(a)(15)(P)(iii) of the Immigration and Nationality Act (the Act), as an entertainer in a culturally unique program.

In a decision dated November 12, 2004, the director denied the petition, finding that the petitioner had failed to establish that the beneficiary would be performing in the United States in a culturally unique capacity. The director denied the petition, in part, because the petitioner failed to submit the required consultation. The director further denied the petition, finding that the petitioner had failed to establish that all of the performances would be culturally unique.

On appeal, the petitioner states:

Enclosed please find a classified ad which we put in the paper for 3 days Fri/Sat/Sun 11/19, 11/20 11/21/04 after receiving your decision of 11/12/04. We have not received any phone calls or resumes. [REDACTED] does express a 'culturally unique' talent which is not able to be found in the USA. We are willing to listen to other ways/suggestions from U.S. Citizenship and Immigration Services as to how we can prove to you that [REDACTED] represents culturally unique experience that is needed by [REDACTED] Seafood Restaurant.

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director.

The regulation at 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 an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.