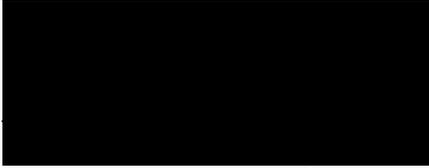


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FILE: WAC 03 211 63814 Office: CALIFORNIA SERVICE CENTER Date: JUL 13 2005

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Texas 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 P-3 classification of the beneficiary, under section 101(a)(15)(P)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(P)(iii), as a singer and manager. The petitioner seeks to employ the beneficiary for a period of six months to perform in concerts on tour.

The director denied the petition because the petitioner failed to establish that the beneficiary's performances would be culturally unique as defined in the statute and regulations.

On appeal, the petitioner submits a Form I-290B, Notice of Appeal, and states:

I'm appealing this case because I was sure that I've submitted all necessary information and evidence. The reason why I did not provide evidence such as reviews in newspapers, journals, or other published materials showing the cultural uniqueness of the alien's performance [is] because I thought that the DVD albums were enough evidence in support. Also, I'm providing the itinerary of the beneficiary's performance and a newspaper article.

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 any erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

The petitioner was put on notice of required evidence and given a reasonable opportunity to provide it for the record before the visa petition was adjudicated. The petitioner failed to submit the requested evidence and now submits it on appeal. However, the AAO will not consider this evidence for any purpose. *See Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988).

ORDER: The appeal is dismissed.