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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

APR 12 2004

FILE: SRC 03 213 50741 Office: TEXAS SERVICE CENTER Date:

IN RE: Petitioner: [redacted]
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.

Elizabeth O'Brien
Robert P. Wiemann, Director
Administrative Appeals Office

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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 performing artist in a culturally unique program. The petitioner seeks to employ the beneficiary for a period of sixteen months to perform, teach and compete in ballroom dancing.

The director denied the petition because the petitioner failed to establish that the beneficiary is a culturally unique artist intending to come to the United States to present culturally unique performances.

On appeal, the petitioner submits a Form I-290B, Notice of Appeal, and states that the beneficiary is a unique dancer, coming to the United States to participate in competitions and to perform and teach "unique Argentine Tango dance." As noted by the director, the record fails to establish that the beneficiary will be coming to the United States to teach a culturally unique form of ballroom dancing. The petitioner further indicates that it would submit additional evidence "as soon as possible." More than five months have lapsed since the date of the appeal and as of this date, no further evidence 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.