U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

B2

[redacted]

DATE: NOV 0 7 2012

Office: TEXAS SERVICE CENTER

[redacted]

IN RE: [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:

[redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of $630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be 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. The director determined that the petitioner had not established the requisite extraordinary ability and failed to submit extensive documentation of his sustained national or international acclaim.

On appeal, the petitioner, through counsel, fails to specifically address the reasons stated for the denial and to identify any erroneous conclusion of law or statement of fact on the part of the director. Instead, counsel resubmits the same brief he submitted in response to the director's Notice of Intent to Deny (NOID), with a few quotes from the director's denial notice added in a handful of places but no new response to those quotes. The appellate brief, as a near verbatim copy of the brief responding to the NOID, consistently refers to new evidence being submitted that, in fact, the petitioner submitted previously and which the director considered in his final decision.

As stated in the regulation at 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the concerned party fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. A brief that is essentially a copy of the brief submitted in response to the NOID does not identify specifically any erroneous conclusion of law or statement in the denial. It is insufficient to merely assert an improper conclusion on the director's part. *Cf. Matter of Valencia*, 19 I&N Dec. 354 (BIA 1986) (citing *Reyes-Mendoza v. INS*, 774 F.2d 1364 (9th Cir. 1985)). Rather, it should be stated whether the error relates to grounds of statutory eligibility or to the exercise of discretion. *Id.* Furthermore, it should be clear whether the alleged impropriety in the decision lies with the fact finder's interpretation of the facts or an application of legal standards. *Id.* Where a question of law is presented, supporting authority should be included, and where the dispute is on the facts, there should be a discussion of the particular details contested. *Id. See also Sano v. Holder*, 331 F. App'x 799, 800 (2d Cir. 2009) (finding that an alien who merely asserts that: "[t]he Immigration Judge erred on the facts and the law in denying relief pursuant to Immigration and Naturalization Section 208 and 243(h)," falls far short of the standard for specificity on appeal.) The resubmission of the NOID brief answers none of these questions regarding the director's final decision.

The only new discussion in the appellate brief relates to translations. "Petitioners and applicants for immigration benefits are required by regulation to provide certified English translations of any foreign language documents they submit." *Matter of Nevarez*, 15 I&N Dec. 550, 551 (BIA 1976) (citing 8 C.F.R. § 103.2(b), now promulgated at 8 C.F.R. § 103.2(b)(3)) which states: "Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English." The language utilized within the regulation implicitly precludes a single certification that validates several translated forms of evidence unless the certification specifically lists the translated documents. Without a single translator's certification for each foreign language form of evidence, or a translator's

certification specifically listing the documents it is validating, the certifications cannot be regarded to be certifying any specific form of evidence. The final determination of whether evidence meets the plain language requirements of a regulation lies with USCIS. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988) (finding that the appropriate entity to determine eligibility is USCIS). Within the director's decision, he notified the petitioner that her translated evidence did not meet the regulatory requirements stating: "All supplementary documents are not accompanied by English translations. Because the petitioner failed to submit certified translations of the documents, USCIS cannot determine whether the evidence supports the self-petitioner claims." On appeal, the petitioner failed to address or remedy this evidentiary deficiency. Therefore, none of the evidence submitted that contains a foreign language bears any evidentiary value and the AAO considers this element of the director's decision to be abandoned. *Sepulveda v. U.S. Att'y Gen.*, 401 F.3d 1226, 1228 n. 2 (11th Cir. 2005); *Hristov v. Roark*, No. 09–CV–27312011, 2011 WL 4711885 at *1, 9 (E.D.N.Y. Sept. 30, 2011) (the court found the plaintiff's claims to be abandoned as he failed to raise them on appeal to the AAO).

In this instance, the petitioner, through counsel's refilling of a previous brief the director already considered, has not sufficiently identified a basis for the appeal. The petitioner does not contest the director's specific findings and offers no substantive basis for the filing of the appeal. As the petitioner failed to challenge the director's analysis in the denial rather than in the NOID, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.