



U.S. Citizenship
and Immigration
Services

[REDACTED]

B2

DATE: **NOV 19 2012** Office: TEXAS SERVICE CENTER FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]
Beneficiary: [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,


Ron Rosenberg
Acting 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 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 sciences. The director's decision discussed the deficiencies in the petitioner's documentary evidence as it related to the categories of evidence at 8 C.F.R. § 204.5(h)(3) and found that the petitioner had failed to demonstrate that she meets at least three of the regulatory criteria.

In Part 2 of the Form I-290B, Notice of Appeal or Motion, the petitioner checked box "C" indicating "No supplemental brief and/or additional evidence will be submitted." Therefore, the appellate submission constitutes her entire appeal. The petitioner did not submit exhibits on appeal except for a copy of the director's denial notice.

Part 3 of the Form I-290B includes a space for the petitioner to "[p]rovide a statement explaining any erroneous conclusion of law or fact in the decision being appealed." The petitioner states:

THE RECORD REFLECTS [THE PETITIONER'S] EXTRAORDINARY ABILITY IN HER FIELD OF EXPERTISE WITH DEMONSTRATED SUSTAINED NATIONAL ACCLAIM.

[The petitioner] has met five of the enumerated criteria which further demonstrates her stature as a specialist at the top of her field who has attained sustained national and international acclaim through her innovative work. Of note, [the petitioner] is one of the rare few who has advanced expertise in both neurogastroenterology and obstetric anesthesia. This highly unique background has given her an understanding of obstetric anesthesiology that few hold.

[The petitioner] has frequently reviewed of the work of her peers in their anesthesiology performance. In the critical roles she has held, [the petitioner] has judged the work of others on numerous occasions. Please note that testimonials discuss [the petitioner's] contributions of original and major significance and constitute documentary evidence that people throughout the field consider the [petitioner's] work to be important. Her work has resulted in publications in peer-reviewed journals and presentations before national conferences. Testimonials document the indispensable role that [the petitioner] has played at world famous hospitals. Materials mention her name regarding her work in various forums.

The petitioner's statement fails to identify any erroneous conclusion of law or fact in the director's decision. Instead, the petitioner repeats previous claims about the documentation she submitted for the categories of evidence at 8 C.F.R. § 204.5(h)(3)(iii) – (vi) and (viii) that first appeared in correspondence prior to the director's denial. The director's decision had already addressed the petitioner's previous claims in detail under the pertinent regulatory criteria at

8 C.F.R. § 204.5(h)(3). To repeat those claims on appeal, with no rebuttal of the director's specific findings, is not sufficient grounds for appeal. A passing reference without substantive arguments is insufficient to raise that ground on appeal. *Desravines v. U.S. Atty. Gen.*, 343 Fed.Appx. 433, 435 (11th Cir. 2009). The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that "[a]n 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." In this matter, the petitioner has not identified as a proper basis for the appeal an erroneous conclusion of law or a statement of fact in the director's decision. The appellate submission offers only general statements reiterating prior assertions that the petitioner has demonstrated sustained national and international acclaim, has a unique background, and has submitted evidence pertaining to the categories of evidence at 8 C.F.R. § 204.5(h)(3)(iii) – (vi) and (viii), but does not provide any directed argument specifying where the alleged error on the part of the director occurred.

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 pertaining to her eligibility for the classification sought. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.