(b)(6)

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

[redacted]

DATE: JUL 16 2013 OFFICE: TEXAS SERVICE CENTER FILE: [redacted]

IN RE: PETITIONER: [redacted]
BENEFICIARY:

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 (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition on December 21, 2012. The petitioner, who is also the beneficiary, appealed the decision to the Administrative Appeals Office (AAO) on January 18, 2013. The appeal will be summarily dismissed.

In parts 2 and 6 of the petition, the petitioner indicates that he is seeking classification as an "alien of extraordinary ability" as a professor of philosophy and Islamic studies, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). In part 3 of the Notice of Appeal or Motion, Form I-290B, "Basis of the Appeal or Motion," counsel statement, in its entirety, is as follows:

> The immigration officer erred in denying the petitioner's Form I-140. The petitioner has presented sufficient credible documents to demonstrate by a preponderance of the evidence that he is an alien of extraordinary ability in the field of philosophy & Islam studies. The documentation clearly demonstrate the [sic] he meets the definition of INA [§] 203(b)(1)(A). His work has garnished him international praise, he has acted as a judge of others in the same field, has provided original scholarly contributions in the field of Islamic philosophy. His teachings analyze the similarity of Islam with the western worlds and the need for cooperation. He has authored and published numerous articles and books.
>
> Counsel shall submit a brief and additional evidence in support of the appeal. Counsel reserves the right to outline and present further arguments in support of the appeal beyond what is outlined above.

In part 2 of the Form I-290B, which is dated January 16, 2013, counsel indicates that his "brief and/or additional evidence will be submitted to the AAO within 30 days." As of this date, approximately six months later neither counsel nor the petitioner has filed a brief or additional evidence.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides, in pertinent part, the AAO "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 case, neither the petitioner nor counsel has specifically identified an erroneous conclusion of law or statement of fact in the director's December 21, 2012 adverse decision. Instead, on appeal, without identifying specific evidence in the record or stating what regulatory criteria that the petitioner meets, counsel asserts in a conclusory manner that the petitioner "is an alien of extraordinary ability in the field of philosophy & Islam studies." *See* 8 C.F.R. § 204.5(h)(3)(i)-(x). Counsel's mere assertion that the petitioner is eligible for the visa category sought, without specifically identifying or providing support establishing any erroneous conclusion of law or statement of fact for the appeal, does not trigger the AAO to conduct a full analysis of all the criteria, or a review of the director's decision. *See Toquero v. INS*, 956 F.2d 193, 195 (9th Cir. 1992); *Matter of Lozada*, 19 I&N Dec.

637 (BIA 1988); *Matter of Valencia*, 19 I&N Dec. 354 (BIA 1986); *see also Desravines v. United States Att'y Gen.*, No. 08-14861, 343 F. App'x 433, 435 (11th Cir. 2009) (finding that issues not briefed on appeal by a *pro se* litigant are deemed abandoned); *Tedder v. F.M.C. Corp.*, 590 F.2d 115, 117 (5th Cir. 1979) (deeming abandoned an issue raised in the statement of issues but not anywhere else in the brief).

As counsel has failed to specifically identify any erroneous conclusion of law or statement of fact for the appeal, the appeal must therefore be summarily dismissed, pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is dismissed.