

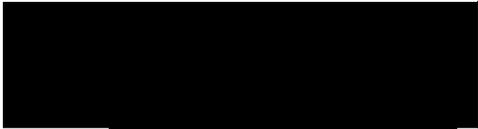


U.S. Citizenship  
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FILE: [REDACTED]  
SRC 06 012 53439

Office: TEXAS SERVICE CENTER Date: APR 02 2007

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:

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, 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 on appeal. The appeal will be dismissed.

The petitioner seeks classification as an “alien of extraordinary ability” in business, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). The petitioner filed the instant petition on October 17, 2005, supported by her degrees, a certificate of recognition, verification of past employment, a presentation and what appears to be an unpublished manuscript. The petitioner did not explain how any of this evidence relates to the ten regulatory criteria pertinent to the classification sought, set forth at 8 C.F.R. § 204.5(h)(3). On October 27, 2005, the director issued a notice of intent to deny the petition, advising that “the initial evidence did not demonstrate eligibility” and requesting the submission of evidence relating to the ten regulatory criteria, of which an alien must meet at least three. The record contains no response to this notice. On December 9, 2005, the director concluded that the petitioner’s failure to respond to the October 27, 2005 notice precluded a finding that the petitioner meets any of the regulatory criteria.

On appeal, the petitioner does not challenge the director’s conclusion that she failed to respond to the October 27, 2005 notice. Rather, she submits a postal receipt documenting the initial filing of the petition on October 17, 2005 and other documents, most of which were submitted initially and found deficient by the director. The new evidence includes certificates of appreciation unsupported by evidence regarding their significance. The petitioner still has not explained how the evidence submitted serves to meet or even relates to at least three of the regulatory criteria.

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 respond and now submits new documentation on appeal. The AAO, however, 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).

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 reason stated for denial, her failure to respond to the October 27, 2005 notice of intent to deny which advised that the initial evidence did not sufficiently relate to the pertinent regulatory criteria. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.