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U.S. Department of Homeland Security
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U.S. Citizenship
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FILE: [REDACTED]
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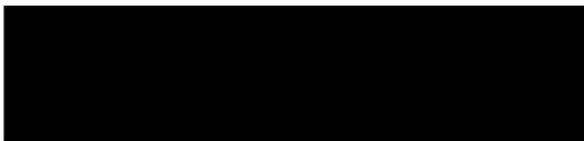
Office: NEBRASKA SERVICE CENTER

Date: **MAR 19 2009**

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:



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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

JF John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska 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 athletics. The director determined that the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability. More specifically, the director found that the petitioner had failed to demonstrate receipt of a major, internationally recognized award, or that he meets at least three of the criteria at 8 C.F.R. § 204.5(h)(3). The director also determined that the petitioner had not submitted clear evidence that he would continue to work in his area of expertise in the United States as required by the regulation at 8 C.F.R. § 204.5(h)(5).

On appeal, counsel states: “The determination that the petitioner failed to establish that he has received any lesser nationally or internationally recognized prize or awards for excellence in the field is so arbitrary that event award from continental games (Aisan [sic] Games) that were participated by 44 nations is not counted!”

We find that the director properly considered the evidence submitted and appropriately addressed the evidence and arguments in his decision. Accordingly, we concur with the director’s finding that the petitioner does not meet the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i). In addressing the petitioner’s [redacted] place diploma from the 14th Asian Games in 2002, the director’s decision stated:

The Service . . . requested evidence regarding the nature of the particular competitions including the competition level and the organization that sponsored/arranged the competitions. In response, the petitioner provided information from Wikipedia regarding the 2002 Asian Games

Upon review, the record fails to establish that the petitioner has received any lesser nationally or internationally recognized prize or awards for excellence in the field of endeavor. Most notably, the petitioner has failed to provide evidence that establishes the stature and prestige of his awards. While the petitioner provided information regarding the 2002 Asian Games and the 2004 World Amateur San Da Championships, this evidence does not establish the significance of the respective awards won at the competitions. Moreover, the petitioner did not win a top prize at the [redacted] as he placed [redacted] in his respective weight class. Further, it is readily apparent that the San Da Championships in which the petitioner participated was an amateur event. In fact, several of the recommendation letters submitted with the petition indicate that the petitioner competes in amateur kick boxing. This does not support a finding that the petitioner has won prizes or awards at the highest level of kick boxing.

With regard to the information about the 2002 Asian Games from *Wikipedia*, there are no assurances about the reliability of the content from this open, user-edited internet site.¹ *See Lamilem Badasa v. Michael Mukasey*, No. 07-2276 (8th Cir. August 29, 2008). Accordingly, we will not assign weight to information for which *Wikipedia* is the only cited source. Nevertheless, as noted by the director, the petitioner placed 5th in his respective weight class. The record does not establish that the petitioner's [redacted] place diploma constitutes a nationally or internationally recognized prize or award.

Counsel further states:

Similarly, the finding that the evidence does not establish that the petitioner has sustained national or international acclaim is also arbitrary. The petitioner has been on national team and represented Mongolia in many international competitions including in United States clearly indicate the level of his national and international acclaim.

Detailed brief and evidence will be submitted directly to AAO in 30 days.

The petitioner's involvement in national and international competitions was thoroughly discussed by the director under the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i). The appellate submission was unaccompanied by arguments or evidence addressing the remaining regulatory criteria at 8 C.F.R. § 204.5(h)(3). Further, the appellate submission does not address the director's finding that the petitioner had not submitted clear evidence that he would continue to work in his area of expertise. *See* 8 C.F.R. § 204.5(h)(5).

Counsel indicated that a brief and/or evidence would be submitted to the AAO within 30 days. The appeal was filed on June 2, 2008. As of this date, more than nine months later, the AAO has received nothing further.

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.

¹ Online content from *Wikipedia* is subject to the following general disclaimer:

WIKIPEDIA MAKES NO GURANTEE OF VALIDITY. *Wikipedia* is an online open-content collaborative encyclopedia, that is, a voluntary association of individuals and groups working to develop a common resource of human knowledge. The structure of the project allows anyone with an Internet connection to alter its content. Please be advised that nothing found here has necessarily been reviewed by people with the expertise required to provide you with complete, accurate or reliable information. . . . *Wikipedia* cannot guarantee the validity of the information found here. The content of any given article may recently have been changed, vandalized or altered by someone whose opinion does not correspond with the state of knowledge in the relevant fields.

See http://en.wikipedia.org/wiki/Wikipedia:General_disclaimer, accessed on March 9, 2009, copy incorporated into the record of proceeding.

The petitioner has not specifically addressed the reasons stated for denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.