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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship
and Immigration
Services

B-2

FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: **MAY 18 2009**
SRC 07 196 51570

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:

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).

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John F. Grissom
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 arts. 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 his receipt of a major, internationally recognized award, or that he meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

On appeal, counsel states:

1. The Service denied without providing any opportunity to establish claim of the petitioner.
2. Consideration of the documents would differ the outcome of the matter.
3. The Center Director Erred by misapplying discretionary authority to classify the applicant on EB1 category.
4. The applicant qualifies to be classified as an immigrant worker with extra-ordinary ability by virtue of his fulfillment of more than three of the required criteria listed in 8 C.F.R. § 204.5(h)(3).

With regard to item 1, the petitioner was issued and responded to the director's request for evidence that cited the deficiencies in the record. *See* 8 C.F.R. § 103.2(b)(8). Regarding item 2, counsel does not specify the documents that the director did not consider. In regard to item 3, counsel does not identify specific examples of the director's misapplication of discretionary authority. Finally, with regard to item 4, the appellate submission was unaccompanied by arguments or evidence addressing the regulatory criteria at 8 C.F.R. § 204.5(h)(3) which the petitioner claims to meet. Further, counsel does not specifically challenge any of the director's findings or his analyses of the evidence submitted for the regulatory criteria.

Counsel indicated that a brief and/or evidence would be submitted to the AAO within 30 days. The appeal was filed on June 30, 2008. As of this date, more than ten 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.

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.