



U.S. Citizenship
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Services

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FILE:

Office: NEBRASKA SERVICE CENTER

Date: OCT 08 2009

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IN RE:

Petitioner:

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:

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 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).

U. Deadrick

Perry Rhew

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 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. Specifically, the director concluded that the petitioner did not meet at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3). It is noted that the director's decision reflects that the petitioner only claimed to meet two of the regulatory criteria.

On appeal, counsel merely stated that the decision was erroneous because of the director's failure to recognize the beneficiary's achievements in her field without specifically addressing the evidence the director allegedly failed to recognize. In addition, counsel stated that the beneficiary holds a "Master Sport" designation in Russia and won third place in the world. Counsel further stated that he would submit a "detail[ed] brief with all the legal arguments" to the Administrative Appeals Office (AAO) within 30 days.

Counsel dated the appeal on January 16, 2009. As of this date, more than 9 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.

Counsel here has not specifically addressed the reasons stated for denial and has not provided any additional evidence. He has not even expressed eligibility for at least a third criterion. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.