

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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

**PUBLIC COPY**

B2



FILE: SRC 07 259 53044

Office: TEXAS SERVICE CENTER Date: OCT 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:  
[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).

*MDeadndc*  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Texas Service Center. The director reaffirmed that decision on motion. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner seeks classification as an “alien of extraordinary ability” in athletics, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability. Thus, on February 11, 2009, the director denied the petition. On March 16, 2009, the petitioner filed a Motion to Reopen and Reconsider. The motion was accompanied by a March 12, 2009 brief and additional evidence. In a detailed written decision addressing the March 16, 2009 submission, the director reaffirmed the previous denial on March 30, 2009.

The petitioner filed the instant appeal on April 29, 2009. On the Form I-290B, Notice of Appeal or Motion, counsel states that a brief and additional evidence are attached. Counsel resubmits the March 12, 2009 brief. This brief is identical to the brief submitted on motion and even bears the same date, March 12, 2009. Counsel also resubmits the documentation that accompanied the previous motion. Counsel fails to address the director’s March 30, 2009 decision.

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 reaffirming the denial and has not provided new additional evidence. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.