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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
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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: **JAN 21 2010**
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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)

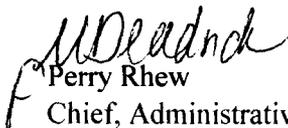
ON BEHALF OF PETITIONER:



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 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).


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center, on May 19, 2009, 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 business. 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 the 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, although prior counsel¹ makes general claims regarding the director's decision, he fails to specifically address any erroneous conclusion of law or statement of fact for the appeal. For example, prior counsel claims that the decision "fail[ed] to consider substantive evidence submitted," "fail[ed] to properly acknowledge extent of original contributions to the field by patent or otherwise," and "fail[ed] to properly evaluate leadership at distinguished reputation." However, prior counsel does not identify the "substantive evidence" that the director allegedly failed to consider or further elaborate on his assertion that the director failed to properly evaluate and acknowledge unspecified evidence. A review of the director's decision reflects that he discussed and evaluated the evidence as it related to eight of the regulatory criteria under 8 C.F.R. § 204.5(h)(3), including evidence of the petitioner's 11 patents as well as the petitioner's positions as a research project manager for [REDACTED]

Prior counsel further stated that he would submit a brief within 30 days and dated the appeal on June 8, 2009. As of this date, however, approximately 7 months later, the AAO has received nothing further. Therefore, the record is considered to be complete as it now stands.

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. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.

¹ The term prior counsel refers to the attorney who represented the petitioner at the time the appeal was filed. The attorney was formerly associated with the law firm that now represents the petitioner.