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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

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FILE: [REDACTED]  
SRC 08 065 51450

Office: TEXAS SERVICE CENTER Date: **SEP 13 2010**

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

APPLICATION: 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)

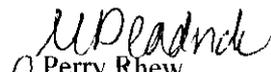
ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

  
Perry Rhew  
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. The director determined that the petitioner had not established the requisite extraordinary ability through extensive documentation and sustained national or international acclaim.

Congress set a very high benchmark for aliens of extraordinary ability by requiring through the statute that the petitioner demonstrate the alien's "sustained national or international acclaim" and present "extensive documentation" of the alien's achievements. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(3). The implementing regulation at 8 C.F.R. § 204.5(h)(3) states that an alien can establish sustained national or international acclaim through evidence of a one-time achievement, specifically a major, internationally recognized award. Absent the receipt of such an award, the regulation outlines ten categories of specific objective evidence. 8 C.F.R. § 204.5(h)(3)(i) through (x). The petitioner must submit qualifying evidence under at least three of the ten regulatory categories of evidence to establish the basic eligibility requirements.

On December 20, 2007, the petitioner submitted a Form I-140, Immigrant Petition for Alien Worker, a statement and additional evidence. On January 8, 2009, the director issued a request for evidence (RFE). On February 19, 2009, the petitioner filed a response to the RFE. The director denied the petition on April 30, 2009 and the petitioner submitted a timely Form I-290B, Notice of Appeal or Motion on June 2, 2009. On the Form I-290B, counsel stated that he would submit a brief or additional evidence within 30 days. As of this date, the AAO has not received any additional evidence from counsel or the petitioner. Therefore, the record is complete. On appeal the petitioner argues that she meets at least three of the ten regulatory categories of evidence at 8 C.F.R. § 204.5(h)(3) for sustained national or international acclaim. For the reasons discussed below, we uphold the director's decision and summarily dismiss the appeal.

On the Form I-290B, the petitioner fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. On the Form I-290B, counsel generally states that the director "overlooked and/or misapplied the weight [of the] evidence submitted regarding petitioner's awards, her authorship of scholarship [sic] articles, her critical role as a researcher for an organization as well as petitioner's original scientific contributions of major significance to her field." In his decision, the director specifically discussed all of the criteria noted by counsel on the Form I-290B. Counsel provides no argument regarding how the criteria were overlooked or misapplied by the director beyond his broad claim. Further, on appeal, counsel failed to adequately address the director's decision regarding 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (v), (vi), and (viii).

The regulation at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the petitioner has not sustained that burden. Therefore, the appeal will be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.