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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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DATE:

DEC 05 2011

Office: TEXAS SERVICE CENTER FILE:



IN RE:

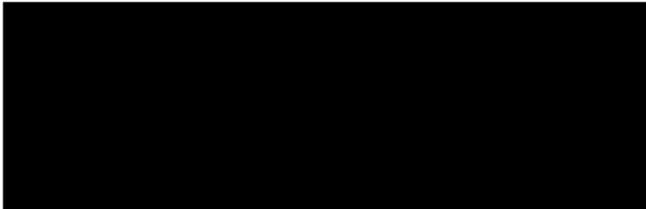
Petitioner:

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:

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 \$630. 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,

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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 is a real estate company. It seeks to classify the beneficiary 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 beneficiary's requisite extraordinary ability through extensive documentation and sustained national or international acclaim. The director's decision sufficiently discussed the deficiencies in the documentary evidence as it related to the categories of evidence at 8 C.F.R. § 204.5(h)(3) and found that the petitioner had failed to establish the beneficiary's sustained national or international acclaim.

On appeal, counsel states:

Incorrect analysis of evidence submitted, the Beneficiary qualifies as an Alien of extraordinary ability as proven in submitted documentation. The Beneficiary has received two Argentine National Awards, she is a member of several associations such as National Association of Realtors, Florida Association of Realtors, Realtor Association of Miami-Dade County, Realtor Association of Greater Miami and the Beaches, Stanford Who's Who, Argentine Society of Horticulture and Fundacion Manos del Sur. Further beneficiary has published several articles, she was a Judge in First International Contest of New Roses while working as Director of Institutional Public Relations. The Beneficiary performed a critical role in the Argentine society of Horticulture, and was recognized internationally. Her efforts allowed her to recover extensive green areas in Argentina, such as parks, plazas etc. She published the "Rose Garden Booklet" which was a vehicle to reach, from "Public Relations" perspective, to other national and international institutions, such as Aguas Argentinas, Metro-Gas, Yacimientos Petroliferos Fiscales (YPF), State of Nebraska, British Government, The Royal Botanic Gardens KEW of London, etc. She was also received during her work in City Hall in Buenos Aims, Argentina the highest salary allowed. The above mentioned evidence is evidence that the beneficiary's level of expertise indicates that she is at the top of her field of endeavor and has received national and international recognition. Supporting documents and brief will be submitted in thirty days.

Counsel's comments do not specifically challenge any of the director's findings or point to specific errors in the director's analyses of the documentary evidence submitted for the categories of evidence at 8 C.F.R. § 204.5(h)(3). The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that "[a]n 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." On appeal, the petitioner has not identified as a proper basis for the appeal an erroneous conclusion of law or an incorrect statement of fact in the director's decision. Instead, counsel briefly summarizes the beneficiary's career achievements and repeats the claims made initially and in response to the director's request for evidence without specifically identifying where the alleged error on the part of the director occurred. The petitioner's appellate

submission offers no argument that demonstrates error on the part of the director based upon the record that was before him. Moreover, the appellate submission was unaccompanied by any further documentary evidence in support of the categories of evidence at 8 C.F.R. § 204.5(h)(3) which the petitioner claims to meet.

Counsel indicated that a brief and/or evidence would be submitted to the AAO within 30 days. The appeal was filed on May 19, 2010. As of this date, more than eighteen 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 pertaining to the classification sought. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.