



U.S. Citizenship  
and Immigration  
Services

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DATE: Office: TEXAS SERVICE CENTER FILE:   
DEC 16 2011

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,  


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 in the sciences. The director determined that the petitioner had not established the requisite extraordinary ability through extensive documentation and sustained national or international acclaim. The director's decision sufficiently discussed the deficiencies in the petitioner's 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 sustained national or international acclaim and that she was among that small percentage at the very top of her field of endeavor. 8 C.F.R. § 204.5(h)(2).

On appeal, counsel states:

We submit that the Service erred in unilaterally imposing novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. section 204.5 in opposition to *Kazarian v. USCIS*, 596 F.3d 1115, C.A.9 (Cal), March 4, 2010 (No 07-56774) and the Interim Policy Memorandum dated August 18, 2010 regarding Evaluation of Evidentiary Criteria in Certain Form 1-140 Petitions (AFM Update AD 10-41). The record demonstrates that the applicant has met at least three of the enumerated criteria. Furthermore, in *Buletini v. INS*, 560 F. Supp at 1233, the court stated "Once it is established that the alien's evidence is sufficient to meet three of the criteria . . . , the alien must be deemed to have extraordinary ability unless the INS sets forth specific and substantiated reasons for its finding that the alien, despite having satisfied the criteria, does not meet the extraordinary ability standard." We submit that by virtue of meeting at least 3 of the enumerated criteria, [the petitioner] qualifies for the instant classification.

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). Further, counsel does not explain how the documentary evidence submitted by the petitioner supports a finding of eligibility. 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." In this matter, the petitioner has not identified as a proper basis for the appeal an erroneous conclusion of law or a statement of fact in the director's decision. The petitioner's appellate submission offers only a general statement asserting that the petitioner meets at least three of the criteria at 8 C.F.R. § 204.5(h)(3) and does not specify where the alleged error on the part of the director occurred. Moreover, the appellate submission was unaccompanied by arguments or evidence addressing the regulatory criteria at 8 C.F.R. § 204.5(h)(3) which the petitioner claims to meet.

Counsel indicated that the petitioner would not be submitting a supplemental brief and/or evidence in support of her appeal. 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 her eligibility for the classification sought. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.