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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**

B2

[REDACTED]

DATE: **JUN 17 2011** Office: TEXAS SERVICE CENTER FILE: [REDACTED]

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:

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,

Mari Plerson
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 he was among that small percentage at the very top of his field of endeavor. 8 C.F.R. § 204.5(h)(2).

On appeal, rather than challenging any of the director's specific findings for the categories of evidence at 8 C.F.R. § 204.5(h)(3), the petitioner briefly summarizes his education and experience and repeats his earlier claims of eligibility for the regulatory criteria at 8 C.F.R. §§ 204.5(h)(3)(iv) – (vi). The petitioner states:

The adjudicating officer erroneously denied this petition to classify [the petitioner] as an alien with extraordinary ability as a research scientist.

Based on the documents submitted in his petition, it is evidently clear that [the petitioner's] great achievements have met at least three criteria outlined by the regulation: 1) Original scientific and scholarly contributions of major significance to the field; 2) Authorship of scholarly articles in major publications; 3) Invited actions to judge the work of others.

[The petitioner] has an excellent academic background, extensive research experience and a record of extraordinary scientific accomplishments. He earned his Ph.D. degree in Material Science from the University of California, San Diego (UCSD) in 2007, one of leading research universities in the world. He has participated in various research projects and gained extensive experience in the field of semiconductor device and nano-electronics research over the past few years.

As one of the leading researchers, [the petitioner] has made many significant achievements in various aspects. He has published 9 high quality academic articles (8 of which with him as the first author) in peer-reviewed leading scientific journals. He has also presented 21 academic abstracts (13 of which with him as the first author) at international conference proceedings. His publications have been widely cited for numerous times by many top researchers. [The petitioner's] research work has tremendously influenced the research and development of semiconductor device in recent years. His excellent talents and extensive experience have gained him international acclaim and made him one of the top research scientists in his field.

The petitioner's comments do not specifically challenge any of the director's findings or his 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." In this case, 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. Instead, the petitioner briefly summarizes his career accomplishments as a research scientist and repeats the claims he made initially and in response to the director's request for evidence without specifically identifying any erroneous conclusion of law or statement of fact for the appeal. 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.

The AAO notes that the petitioner does not address or contest the decision of the director or offer additional arguments or evidence for the regulatory criteria at 8 C.F.R. §§ 204.5(h)(3)(i) – (iii) and (vii) – (x). The AAO, therefore, considers these categories of evidence to be abandoned. *See Sepulveda v. U.S. Att'y Gen.*, 401 F.3d 1226, 1228 n. 2 (11th Cir. 2005).

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

ORDER: The appeal is dismissed.