

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

PUBLIC COPY

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: APR 19 2012 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,

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 athletics. 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, counsel asserts:

[The petitioner] applied for extraordinary ability immigrant visa (EB-1) as a [REDACTED] USCIS [U.S. Citizenship and Immigration Services] denied this petition stating that [the petitioner] did not meet the criteria for an EB-1 immigrant visa. [The petitioner] is not only an [REDACTED] but he is among the very few wrestling coaches achieving high accolades for his ability to coach. [The petitioner] provided many documents highlighting his achievements not only as an athlete but as a coach to USCIS, however, these documents were not properly considered and given weight. As a result, we are appealing the decision of USCIS.

Counsel does 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." 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 appellate submission offers only a general statement asserting that the director failed to consider and give proper weight to the submitted documents, but counsel 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 a brief and/or evidence would be submitted to the AAO within 30 days. The appeal was filed on December 22, 2010. As of this date, more than fifteen 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 his eligibility for the classification sought. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.