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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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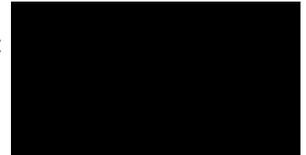


DATE:

AUG 21 2012

Office: TEXAS SERVICE CENTER

FILE:



IN RE:

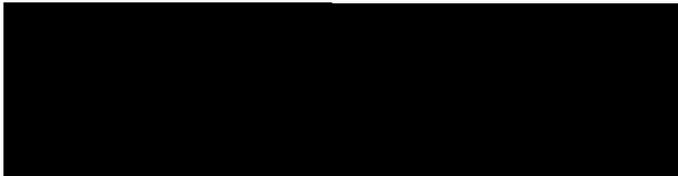
Petitioner:

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to 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 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 a detailed, eight-page decision, the director determined that the petitioner had not established the requisite extraordinary ability and failed to submit extensive documentation of his sustained national or international acclaim. Specifically, the director determined that the petitioner submitted qualifying evidence under only one of the regulatory criteria, of which a petitioner must meet at least three, and that the evidence in the aggregate did not establish the petitioner's sustained national or international acclaim.

At each stage of the process (accompanying the initial petition, in response to the director's request for evidence (RFE), and on appeal), counsel has simply listed the evidence rather than briefing how this evidence relates to the eligibility requirements for the classification sought. The most substantial guidance was counsel's statement in response the RFE, in which counsel listed four letters that should be considered under the contributions of major significance criterion.

On appeal, counsel does not specifically address the reasons for which the director concluded that the petitioner's evidence failed to satisfy the requirements of each criterion, and counsel also fails to identify any erroneous conclusion of law or statement of fact on the part of the director. Instead, counsel simply asserts that the director erred as a matter of law and as a matter of fact in finding that the petitioner did not satisfy the requirements of the regulations, without identifying any specific error attributable to the director. On the Form I-290B, Notice of Appeal or Motion, counsel merely listed the regulatory requirements that, in his opinion, the AAO should presume that the petitioner meets. In the subsequent submission, the only specific conclusion counsel attempts to address is the director's finding that the petitioner failed to provide "proper" translations for the published material in the record. The single translation the petitioner submits on appeal, however, is not certified as required under 8 C.F.R. § 103.2(b)(3). Moreover, counsel makes no attempt to address the director's concern that the published material was not "about" the petitioner as required under 8 C.F.R. § 204.5(h)(3)(iii). Although the petitioner provides additional evidence in addition to the translation, counsel offers no explanation regarding how this additional evidence demonstrates error on the part of the director or even to which of the regulatory criteria this evidence relates.

As stated in the regulation at 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the concerned party fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. *Cf. Idy v. Holder*, No. 11-1078, 2012 WL 975567 (1st Cir. Mar. 23, 2012) (where an alien fails to raise any legal issue regarding the Board of Immigration Appeals denial of an inadmissibility waiver, the Court of Appeals is deprived of jurisdiction). *See also Desravines v. United States Attorney General*, No. 08-14861, 343 F. App'x 433, 435 (11th Cir. 2009) (finding that issues not briefed on appeal are deemed abandoned); *Tedder v. F.M.C. Corp.*, 590 F.2d 115, 117 (5th Cir. 1979) (deeming abandoned an issue raised in the statement of issues but not anywhere else in the brief). In this instance, the petitioner has not identified a basis for the appeal. The petitioner does not contest the director's specific findings and offers no substantive basis for the filing of the appeal. As the

petitioner failed to provide any specific statement or argument regarding the basis of his appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.