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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

Bz

DATE: JUL 02 2012

Office: TEXAS SERVICE CENTER

FILE: [REDACTED]

IN RE:

Petitioner:  
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:

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. 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.

On appeal, the petitioner, through counsel, fails to specifically address the reasons stated for the denial and to identify any erroneous conclusion of law or statement of fact on the part of the director. Instead, the counsel merely provides a historical account of the petitioner's previously claimed achievements. Counsel lists the regulatory requirements that, in his opinion, the AAO should presume that the petitioner meets, but fails to provide any meaningful guidance to the AAO regarding what evidence or what determination of the director is in contention.

Specifically, the director first acknowledged that the petitioner was the recipient of several awards, but noted the lack of evidence, such as media coverage of the competitions, of the national or international recognition of the awards pursuant to the plain language at 8 C.F.R. § 204.5(h)(3)(i). On appeal, counsel merely reiterates the awards without responding to the director's specific concerns. Second, the director acknowledged the petitioner's memberships but concluded that the record lacked evidence that the associations require outstanding achievements of their members pursuant to the plain language at 8 C.F.R. § 204.5(h)(3)(ii). On appeal, counsel merely reiterates that the petitioner is a member of certain associations and resubmits background material on those associations without submitting evidence documenting that the associations require outstanding achievements of their members. Third, the director concluded that the petitioner had not demonstrated that his articles were published in professional or major trade publications or other major media pursuant to the plain language at 8 C.F.R. § 204.5(h)(3)(vi). On appeal, counsel merely reiterates that the petitioner authored the articles without providing any new evidence regarding the publications in which the articles appeared.

Fourth, the director concluded that the petitioner's athletic competitions were not artistic showcases or exhibitions pursuant to the plain language at 8 C.F.R. § 204.5(h)(3)(vii). On appeal, counsel merely reiterates that the petitioner performed martial arts at "commercial or artistic" exhibitions. This assertion does not address the director's reliance on the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(vii), which does not include "commercial" exhibitions. Fifth, the director concluded that the petitioner had not demonstrated the impact of his contributions to or leading role with organizations for which the petitioner has worked such that the petitioner had demonstrated his leading or critical role for an organization or establishment with a distinguished reputation pursuant to 8 C.F.R. § 204.5(h)(3)(viii). On appeal, counsel merely lists the petitioner's past positions and previously submitted evidence.

Finally, the director noted that while most of the petitioner's accomplishments were as an athlete, the petitioner sought to enter the United States to work as an instructor. On appeal, counsel asserts that the

“cumulative effect” of the petitioner’s “achievements both as a Wushu athlete and a Wushu instructor” demonstrates the petitioner’s eligibility. Counsel provides no legal authority that would allow U.S. Citizenship and Immigration Services to combine athletic and coaching accomplishments to determine whether a petitioner has satisfied the evidentiary requirement of submitting at least three types of qualifying evidence. 8 C.F.R. § 204.5(h)(3). *Lee v. I.N.S.*, 237 F. Supp. 2d 914 (N.D. Ill. 2002) (upholding a finding that coaching and performing as an athlete are not the same area of expertise).

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 sufficiently 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 challenge the director’s analysis beyond merely asserting that the director reached the wrong conclusion, the appeal must be summarily dismissed.

**ORDER:** The appeal is dismissed.