



U.S. Citizenship
and Immigration
Services

Administrative Appeals Office
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

PUBLIC COPY

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[Redacted]

DATE: **JUN 15 2012** Office: NEBRASKA SERVICE CENTER [Redacted]

IN RE: [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:

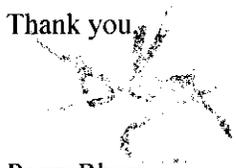
[Redacted]

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 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 with the field office or service center that originally decided your case by filing a 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, Nebraska 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 arts.¹ 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, previous counsel states:

- A. THE USCIS [U.S. Citizenship and Immigration Services] ABUSED ITS DISCRETION IN DENYING THE IMMIGRANT PETITION FOR ALIEN WORKER, FORM I-140.
- B. THE PETITIONER HAS SUBMITTED SIGNIFICANT DOCUMENTATION OF SUSTAINED ACCLAIM AND AN INDIVIDUAL OF EXTRAORDINARY ABILITY.
- C. THE PETITIONER HAS SUBMITTED PUBLISHED ARTICLES, CONTRIBUTIONS OF MAJOR SIGNIFICANCE IN EDUCATION, AND AUTHORSHIP OF ARTICLES IN NEWSPAPERS.

Previous 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). Further, previous 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 appellate submission offers only a general statement asserting that the petitioner meets three of the categories of evidence at 8 C.F.R. § 204.5(h)(3) and does not specify where the alleged error on the part of the director occurred.

¹ The petitioner was initially represented by attorney James G. Roche. In this decision, the term "previous counsel" shall refer to [REDACTED]

Previous counsel indicated that a brief and/or evidence would be submitted to the AAO within 30 days. The appeal was filed on November 16, 2010. As of this date, more than eighteen 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 her eligibility for the classification sought. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.