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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: JUN 20 2012 OFFICE: NEBRASKA 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 (AAO) 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 director, Nebraska Service Center, denied the employment-based immigrant visa petition on March 30, 2011. The petitioner, who is also the beneficiary, appealed the director's decision with the Administrative Appeals Office (AAO) on April 18, 2011. The appeal will be dismissed.

The petitioner seeks classification as an "alien of extraordinary ability," as a physician and medical researcher, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). The director determined that the petitioner has not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, counsel states, in a conclusory manner, that the director erred in finding that the petitioner has not met the original contributions of major significance criterion under the regulation at 8 C.F.R. § 204.5(h)(3)(v). Counsel has not challenged any other aspect of the director's decision, including the final merits determination.

Counsel, who signed the Form I-290B, Notice of Appeal or Motion, on the petitioner's behalf, indicates on the Form I-290B that in support of the appeal, he would submit a brief and/or additional evidence to the AAO within 30 days. Counsel also submits a letter, indicating that "[a] brief will follow within 30 days." Both the Form I-290B and the letter are dated April 15, 2011. As of this date, over a year later, the AAO has received nothing further from the petitioner or counsel.

As provided in the regulation at 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."

In this case, other than providing a paragraph in which counsel asserts that the director mischaracterized the expert letters in the record, counsel has not specifically identified an erroneous conclusion of law or statement of fact in the director's denial. *See Desravines v. U.S. Atty. Gen.*, 343 F. App'x 433, 435 (11th Cir. 2009) (a passing reference in the arguments section of a brief without substantive arguments is insufficient to raise that ground on appeal). Significantly, counsel fails to address the director's conclusion in the final merits determination that the petitioner's minimal judging experience and honors as a student and trainee fail to establish that she is already within the small percentage at the top of her field. In addition, neither counsel nor the petitioner has provided a brief and/or any additional evidence, referenced as forthcoming on the Form I-290B, dated April 15, 2011. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.