

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

[REDACTED]

B2

DATE: **OCT 15 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:

[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 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, Texas Service Center, denied the employment-based immigrant visa petition on January 30, 2012. The petitioner, who is also the beneficiary, appealed the decision to the Administrative Appeals Office (AAO) on February 16, 2012. The appeal will be summarily dismissed.

On part 6 of the petition, the petitioner indicated that he is seeking classification as an “alien of extraordinary ability” in the athletics, specifically, as a “martial art [sic] master,” pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). On part 3, “Basis of the Appeal or Motion,” of the Notice of Appeal or Motion, Form I-290B, petitioner states, in its entirety, “We have provided massive documents to your office documenting that [the petitioner] has met the criteria of an alien with extraordinary ability. We would like your office to review the case again via the appeal processing.” In the attached letter dated February 15, 2012, counsel states:

. . . The [petitioner] is an international [sic] acclaimed martial artist. He has been one of the most active and accomplished martial artist [sic] in tri states [sic] area

We sincerely hope that you would re exam [sic] the case, **especially the massive documents we have submitted**, as [the petitioner] is truly an international [sic] acclaimed martial artist who has rise [sic] to the very top of Chinese martial artist [sic]. He is one of the most renowned competitor, coach and judge in the circle.

We believe that we translated all documents relevant to [the] case. It is impossible to translate word by word for the massive Chinese documents. Instead, we translated all the content that related to [the petitioner], which is sufficient to understand his achievements.

(Emphasis in original.)

Attached to this filing are a copy of the director’s January 30, 2012 decision and a copy of a FedEx shipping receipt.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides, in pertinent part, the AAO “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 case, neither the petitioner nor counsel has specifically identified an erroneous conclusion of law or statement of fact in the director’s January 30, 2012 denial. In fact, neither the petitioner nor counsel has asserted the director erred in any way. Instead, on appeal, both the petitioner and counsel, without specifically identifying which criteria the petitioner meets, allege in a conclusory manner that the petitioner has established his eligibility for the exclusive classification sought, and request a

reexamination of the petition. Moreover, neither the petitioner nor counsel specifically challenges the director's final merits determination. The petitioner and counsel's mere statements on appeal that the petitioner meets the visa petition eligibility, without specifically identifying or providing support establishing any erroneous conclusion of law or statement of fact, does not trigger the AAO to conduct a full analysis of all the criteria, or a reexamination of the petition, as suggested by both the petitioner and counsel. See *Desravines v. United States Att'y Gen.*, No. 08-14861, 343 F. App'x 433, 435 (11th Cir. 2009) (finding that issues not briefed on appeal by a *pro se* litigant 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). As the petitioner has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal, the appeal must be summarily dismissed, pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v).¹

ORDER: The appeal is dismissed.

¹ As the AAO will summarily dismiss the petitioner's appeal, it will not discuss the translation issues raised in counsel's February 15, 2012 letter. Had the AAO considered these issues, the AAO would have concluded that the translations, at least some of them, do not meet the requirements set forth in the regulation at 8 C.F.R. 103.2(b)(3), which provides, "[a]ny document containing foreign language submitted to [the United States Citizenship and Immigration Services] shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English."