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

B2

[redacted]

DATE: OCT 2 2 2012 Office: NEBRASKA SERVICE CENTER FILE: [redacted]

IN RE: Petitioner: [redacted]
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:

[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, Nebraska Service Center, denied the employment-based immigrant visa petition on April 11, 2012. The petitioner, who is also the beneficiary, appealed the decision to the Administrative Appeals Office (AAO) on May 11, 2012. The appeal will be summarily dismissed.

On part 6 of the petition, the petitioner indicates that he is seeking classification as an "alien of extraordinary ability" in the athletics, specifically, as a football player, 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 of the Notice of Appeal or Motion, Form I-290B, "Basis of the Appeal or Motion," the petitioner, through his counsel, states, in its entirety, "Additional evidence will be submitted to the AAO within 30 days." Counsel's letter, dated June 14, 2012, states, in its entirety:

> Please accept the additional documentation enclosed in support of the I-290B filed with the AAO on May 10, 2012.
>
> We hope this letter and documentation enclosed adequately address your concerns and respectfully request your favorable adjudication of [the petitioner's] immigrant visa petition.

Attached to the June 2012 filing are: (1) an I-290B receipt notice, (2) a UPS online tracking printout, (3) a photograph of an award that postdates the filing of the petition, and (4) a number of articles, all of which postdate the petition.

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 April 11, 2012 denial. In fact, neither the petitioner nor counsel has asserted that the director erred in any way. Instead, on appeal, the petitioner, through his counsel, without specifically identifying which criteria the petitioner meets, requests a "favorable adjudication of [his] immigrant visa petition." The petitioner and counsel's mere request on appeal for a "favorable adjudication," 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 review of the director's decision. *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).

Additionally, the petitioner may not rely on the documents he has filed on appeal to establish his visa petition eligibility. Specifically, the photograph of the award notes that the award was for the 2011-2012 season, and the newspaper articles were published in April 2012. It is well-established that the petitioner must demonstrate eligibility for the visa petition at the time of filing, in this case, as of

January 2011 when he filed the petition. *See* 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). Accordingly, the petitioner may not rely on events that occurred after January 24, 2011, the date he filed the petition, to establish his visa petition eligibility.

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).

ORDER: The appeal is dismissed.