



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE:

JAN 25 2013

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,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center. The director reaffirmed that decision on motion. The matter 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, counsel indicated that the petitioner would submit a brief and/or evidence to the Administrative Appeals Office (AAO) within 30 days. Counsel dated the appeal April 23, 2012. As of this date, approximately nine months later, the AAO has received nothing further.

On appeal, the petitioner's counsel only addresses two of the stated reasons for the denial. Counsel failed to identify any erroneous conclusion of law or statement of fact on the part of the director. Instead, regarding the awards criterion at 8 C.F.R. § 204.5(h)(3)(i), counsel merely states: "The applicant received several prestigious awards which were clearly internationally recognized awards, yet these were minimized by the District Director." Counsel did not specify what evidence the director either overlooked or disregarded in his adverse decision on the petitioner's motion. Within the director's most recent decision, the director acknowledged the awards relating to the International Congress on Gastrointestinal Oncology. The director conceded that such awards satisfied a portion of the regulatory requirements of the awards criterion, but that the petitioner had not complied with the regulatory requirement that the awards be nationally or internationally recognized. The petitioner failed to sufficiently address this element on appeal; counsel merely asserts that these awards "were clearly internationally recognized awards." The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1, 3 n.2 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). The unsupported assertions of counsel in a brief are not evidence and thus are not entitled to any evidentiary weight. *See INS v. Phinpathya*, 464 U.S. 183, 188-89 n.6 (1984). As such, the petitioner has not specifically identified any erroneous conclusion of law or statement of fact for the appeal.

Counsel also alluded to the contributions of major significance criterion at 8 C.F.R. § 204.5(h)(3)(v). Regarding this criterion, counsel states: "[T]he applicant is the co-author of one textbook which is relied upon by other scientists in the field and has also contributed the chapter towards a very prominent scientific textbook and research text, which is similarly utilized by research scientists in the same field of endeavor." The director did not refute either of these claims. Instead, the director concluded that the petitioner had not established the significance of these accomplishments. Consequently, the petitioner has not identified an error by the director.

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*, 674 F.3d 111 (1st Cir. 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. U.S. Atty. Gen.*, 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 identified a basis for the appeal. The petitioner does not contest the director's findings and offers no substantive basis for the filing of the appeal. As the petitioner failed to provide any specific statement or argument regarding the basis of his appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.