



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: Office: NEBRASKA SERVICE CENTER

**JUN 26 2013**

IN RE: Petitioner:  
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:

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, Nebraska Service Center and 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. Specifically, in a five-page decision, the director analyzed the evidence under the plain language requirements of the regulations, determining that the petitioner had satisfied only two of the ten regulatory criteria (awards and judging pursuant to 8 C.F.R. §§ 204.5(h)(3)(i), (iv)), of which a petitioner must satisfy at least three.

On appeal, the petitioner, through counsel fails to specifically address the reasons stated for the denial other than to contest the outcome.. The Form I-290B, Notice of Appeal or Motion merely provides:

1. [The petitioner's] awards as a teenage [sic], as a young adult and his employment as a professional acrobat established that he "sustained" national and/or international acclaim as an alien of extraordinary ability.
2. [The petitioner's] awards from Poland alone would establish "National" acclaim which is all that is required under the regulations.
3. [The petitioner] established that he played a critical role at [redacted] an organization that has a distinguished reputation.
4. [The petitioner] established that he earns a high income in comparison with other circus performers/acrobats.
5. The opinion letter of [redacted] stating that [the petitioner] is an alien of extraordinary ability should have carried more weight than a government official mechanically applying the regulations with an improper interpretation of [redacted]

The appeal also reflected the petitioner would file a brief and/or additional evidence to the Administrative Appeals Office (AAO) within 30 days. Counsel dated the appeal November 8, 2012. As of this date, more than six months later, the AAO has received nothing further.

Within an appeal, it should be clear whether the alleged impropriety in the decision lies with the interpretation of the facts or the application of legal standards. Where a question of law is presented, supporting authority should be included, and where the dispute is on the facts, there should be a discussion of the particular details contested. *Matter of Valencia*, 19 I&N Dec. 354, 355 (BIA 1986). See also *Matter of Keyte*, 20 I&N Dec. 158, 159 (BIA 1990) (finding that an appeal should be summarily dismissed where the applicants have offered only a generalized statement of their reason for the appeal and have neglected to specify whether the alleged error in the decision lies with the interpretation of the facts or the application of legal standards); *Matter of Lozada*, 19 I&N Dec. 637, 639 (BIA 1988) (finding that failure to specify reasons for an appeal is grounds for summary dismissal under regulations similar to those governing the AAO).

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, 116 (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. As the petitioner failed to provide any substantive statement regarding the basis of his appeal, the appeal must be summarily dismissed.

**ORDER:** The appeal is dismissed.