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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



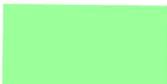
U.S. Citizenship
and Immigration
Services



DATE: **MAY 17 2013**

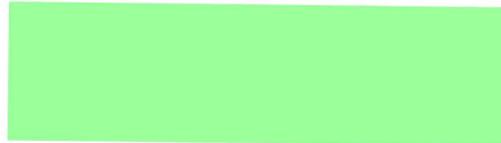
Office: NEBRASKA SERVICE CENTER

FILE: 

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,

A handwritten signature in cursive script, appearing to read "URosenberg".

f 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 summarily 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 specifically discussed the petitioner's eligibility as it relates to 8 C.F.R. §§ 204.5(h)(3)(i), (ii), (iv), (v), (vi) and (viii) and found that he met only the criteria at 8 C.F.R. §§ 204.5(h)(3)(iv) and (vi).

On appeal, the petitioner, through counsel, fails to specifically address the stated reasons for the denial and to identify any erroneous conclusion of law or statement of fact on the part of the director. Instead, counsel submits identical discussions of the petitioner's eligibility on appeal that she utilized within the request for evidence response, including the two criteria in which the director found the petitioner had satisfied.

The purpose of an appeal is to provide the affected party with the means to remedy what he or she perceives as an erroneous conclusion of law or statement of fact within a decision in a previous proceeding. See 8 C.F.R. § 103.3(a)(1)(v). Without such an error specifically identified within the appeal, the affected party has failed to identify the basis for the appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) allows the AAO to promptly deal with appeals where the reasons given for the appeal are inadequate to inform the AAO of the particular basis for the claim that the director's decision is erroneous. The petitioner must identify all of the errors made by the director as it relates to the claimed criteria. Otherwise, the AAO must speculate on what error the petitioner alleges. The resubmission on appeal of claims and arguments regarding the petitioner's eligibility that have already been addressed by the director but which do not identify any error is not a proper basis for appeal.

On appeal, counsel repeats general claims about the petitioner's skills and achievements that first appeared in correspondence prior to the director's denial. The director already addressed the petitioner's previous claims in detail. To repeat those claims on appeal, in the most general of terms and with no rebuttal of the director's specific findings, is not sufficient grounds for appeal.

In addition to counsel's statements in support of the Form I-290B, the petitioner offers an additional personal statement and a letter from [REDACTED] Chief of [REDACTED] both dated in September 2012, prior to the director's issuance of his adverse decision. The personal statement submitted on appeal contains much of the same content of the statement dated April 11, 2012. As the statement on appeal preceded the director's decision, it does not specifically address any of the director's findings and point the AAO to the issue in contention on appeal.

Similarly, the letter from Mr. [REDACTED] also does not assert a specific error in law or an error in fact in the director's decision. Furthermore, the director requested any additional evidence relating to the

petitioner's eligibility claims under the contributions of major significance criterion at 8 C.F.R. § 204.5(h)(3)(v) and the leading or critical role criterion at 8 C.F.R. § 204.5(h)(3)(viii) within the RFE. The purpose of the RFE is to elicit further information that clarifies whether the petitioner has established eligibility for the benefit sought as of the filing date of the petition. *See* 8 C.F.R. §§ 103.2(b)(8) and (12). The petitioner's failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. 8 C.F.R. § 103.2(b)(14). As in the present matter, where the director put the petitioner on notice of a deficiency in the evidence and gave the petitioner an opportunity to respond to that deficiency, the AAO will not accept evidence offered for the first time on appeal. *See Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988); *Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988). If the petitioner had wanted the director to consider the submitted evidence he should have submitted the documents in response to the director's RFE. *Id.* Under the circumstances, the AAO will not consider the sufficiency of the evidence submitted on appeal.

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. As the petitioner failed to sufficiently identify the basis for the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.