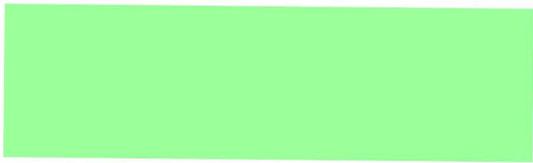


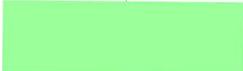
(b)(6)

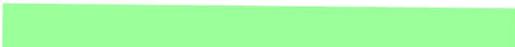
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



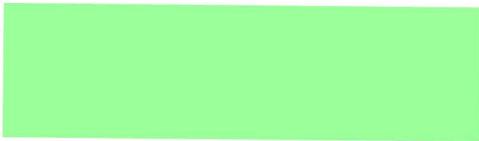
U.S. Citizenship
and Immigration
Services



Date: **NOV 12 2013** Office: TEXAS SERVICE CENTER FILE: 

IN RE: Petitioner: 
Beneficiary: 

APPLICATION: 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 (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition, which is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification of the beneficiary as an “alien of extraordinary ability” in athletics, as a karate instructor and athlete, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

The petitioner filed a Form I-290B, Notice of Appeal or Motion. However, the petitioner did not provide any statement or evidence upon which to base an appeal. The petitioner marked the box next to “B” in “Part 2” of Form I-290B, which states: “I am filing an appeal. My brief and/or additional evidence will be submitted to the AAO within 30 days.” On “Part 3” of the form which requires the petitioner to provide a statement explaining any erroneous conclusion of law or fact in the director’s decision, it simply states: “LETTER WILL BE MAILED.” In the accompanying letter to the Form I-290B the petitioner’s counsel submitted, there is a similar statement: “ADDITIONAL EVIDENCE WILL BE SUBMITTED TO THE AAO WITHIN 30 DAYS.” The record reflects that the petitioner filed the appeal on July 19, 2013, and the AAO has received nothing further as of this date, more than 90 days after the filing date of the 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. *Cf. Idy v. Holder*, 674 F.3d 111, 116 (1st Cir. 2012) (noting 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 sufficiently identified a basis for the appeal, either by filing an appeal brief, in accordance with his stated intent on “Part 2” of Form I-290B, or by providing a statement on “Part 3” that specifically identifies any erroneous conclusion of law or statement of fact for the appeal. As the petitioner did not contest the director’s analysis in the final decision, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.