

(b)(6)



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

[Redacted]

DATE: **OCT 21 2013**

Office: TEXAS SERVICE CENTER

FILE: [Redacted]

IN RE: Petitioner: [Redacted]
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 (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,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas 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. In a seven-page decision that addressed the petitioner's prior claims, the director determined that the petitioner had not established the requisite extraordinary ability and had not submitted extensive documentation of her sustained national or international acclaim.

On appeal, counsel does not specifically address the reasons stated for the denial and does not identify any erroneous conclusion of law or statement of fact on the part of the director. Instead, counsel states that while the director correctly determined that the petitioner meets two of the necessary three criteria set forth at 8 C.F.R. § 204.5(h)(3)(i)-(x), the petitioner also meets a third unidentified criterion, "if not more." Counsel concludes that the petitioner holds two doctorate degrees, is an accomplished researcher and teacher, and has risen to the top of her field.

An appeal provides an affected party with the means to identify an erroneous conclusion of law or statement of fact within a decision. *See* 8 C.F.R. § 103.3(a)(1)(v). In order to review an appeal where the petitioner does not identify the bases for the appeal, it would be necessary to search through the record and speculate on what possible errors the petitioner claims. *Matter of Valencia*, 19 I&N Dec. 354, 355 (BIA 1986).

It is insufficient to assert that the director made an improper determination. 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). *See also 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).

The regulation at 8 C.F.R. § 103.3(a)(1)(v) allows the AAO to deal promptly with appeals where the reasons given for the appeal do not inform the AAO of the particular basis for the claim that the director's decision is wrong. *Cf. Matter of Valencia*, 19 I&N Dec. at 355.

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 does not 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. The petitioner does not contest the director's specific findings and offers no substantive basis for the filing of the appeal. As the petitioner did not provide any specific statement or argument regarding the basis of her appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.