

(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: **MAY 08 2014** 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 Director, Texas Service Center, denied the immigrant visa petition and the matter 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 in the arts. The director determined that the petitioner had not met the requisite criteria for classification as an alien extraordinary ability.

In Part 2 of the Form I-290B, Notice of Appeal or Motion, the petitioner checked box "B" indicating "[m]y brief and/or additional evidence will be submitted to the AAO within 30 days."

Part 3 of the Form I-290B includes a space to "[p]rovide a statement explaining any erroneous conclusion of law or fact in the decision being appealed." The petitioner states:

The USICS [sic] denied this petition to classify [the petitioner] as an Alien of Extraordinary Ability under Section 203(b)(1)(A) of the Immigration and Nationality Act. However, [the petitioner] is eligible for this category.

[The petitioner] provided sufficient evidence to establish his eligibility for each of the criterion mentioned in his application. The evidence submitted meets the legal standard of the Policy Memo, USCIS, Evaluation of Evidence Submitted with Certain Form I-140 Petitions, PM-602-0005.1 (Dec. 22, 2010) at 3, published on AILA InfoNet at Doc. No. 11020231. Also see *Kazarian v. USCIS*, 596 F.3d 1115, 1119-20 (9th Cir. 2010).

Further legal arguments and any evidence will be presented within thirty (30) days of this submission.

The petitioner's statements fail to specifically identify any erroneous conclusion of law or fact in the director's decision. A passing reference without substantive arguments is insufficient to raise that ground on appeal. *Desravines v. U.S. Atty. Gen.*, 343 Fed.Appx. 433, 435 (11th Cir. 2009). The petitioner does not specifically challenge any of the director's findings for the categories of evidence at 8 C.F.R. § 204.5(h)(3) or point to specific errors in the director's analyses of the documentary evidence. In addition, the petitioner does not explain how the specific documentation that he submitted supports a finding of eligibility.

The appeal was filed on September 6, 2013. As of this date, more than seven months later, we have received nothing further.

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The petitioner has not specifically addressed the reasons stated for denial and has not provided any additional evidence pertaining to his eligibility for the classification sought. The appeal must therefore be summarily dismissed.



ORDER: The appeal is dismissed.