



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: APR 20 2015 OFFICE: NEBRASKA 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:

SELF-REPRESENTED

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, Nebraska Service Center, denied the employment-based immigrant visa petition. The petitioner, who is also the beneficiary, appealed the decision to the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

In his petition, filed on May 22, 2014, receipt number [REDACTED] the petitioner indicated that he is seeking the classification as an “alien of extraordinary ability” in the field of sports management, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). In part 2 of the petition, the petitioner indicated that he was filing the petition to amend a previously filed petition, with receipt number: [REDACTED].<sup>1</sup> In Part 3 of the Notice of Appeal or Motion, Form I-290B, “Information About the Appeal or Motion,” the petitioner checked the box that states “I am filing an appeal to the AAO. My brief and/or additional evidence will be submitted to the AAO within 30 calendar days of filing the appeal.”<sup>2</sup> In a statement accompanying the Form I-290B, the petitioner provided the following statement in its entirety:<sup>3</sup>

Basis for applying for the employment-based immigrant in SPORTS, previous application were submitted prior to securing all necessary evidences so as to apply for a re-entry permit since all supporting evidences were locked in my house in the Philippines. Already requested family members to send awards, certifications, etc. for submission, hence respectfully requesting the Service to allow at least 30 days for submission of evidences.

As of this date, over eight months after the petitioner filed his appeal on July 22, 2014, the petitioner has not filed a brief or additional evidence.

<sup>1</sup> In the previously filed petition, [REDACTED] the petitioner sought the classification as a multinational executive or manager, pursuant to section 203(b)(1)(C) the Act, 8 U.S.C. § 1153(b)(1)(C). On June 2, 2014, the director denied the petition, concluding that “[t]here is no statute or regulation that would allow for a beneficiary to self-petition under the requested classification.”

<sup>2</sup> In Part 1 of the Form I-290B, the petitioner listed his previously filed petition receipt number, [REDACTED] and in Part 3 of the form, he stated that the date of the adverse decision that he was appealing was June 9, 2014. The record does not contain a June 9, 2014 decision. On appeal, the petitioner submitted a copy of the director’s June 19, 2014 decision on the extraordinary ability petition and referenced in his accompanying statement that he needed to collect additional evidence, including awards, one type of initial evidence for the extraordinary ability classification. Accordingly, the petitioner indicated his intent to appeal the director’s June 19, 2014 decision on [REDACTED] which the petitioner indicated amends [REDACTED]. If we concluded that the petitioner intends to appeal the director’s denial of the multinational executive or manager classification, the petitioner has not shown that the appeal is timely. The appeal was filed over 33 days after the director issued the adverse decision on June 2, 2014. *See* 8 C.F.R. § 103.8(b). We would therefore reject the appeal as untimely under the regulation at 8 C.F.R. § 103.3(a)(2)(v)(B)(1). In the alternative, we would summarily dismiss the appeal because the petitioner has not identified specifically any erroneous conclusion of law or statement of fact for the appeal. *See* 8 C.F.R. § 103.3(a)(1)(v).

<sup>3</sup> We note several grammatical errors which did not bear on our finding regarding whether the petitioner filed a substantive appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides, in pertinent part, we “shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

In this case, although the petitioner has filed an appeal, he has not specifically identified any erroneous conclusion of law or statement of fact in the director’s June 19, 2014 decision, denying his petition under the “alien of extraordinary ability” classification. The director denied the petition upon finding that the petitioner “has not submitted any evidence to show that he has received a major, internationally recognized prize or award [under the regulation at 8 C.F.R. § 204.5(h)(3)], or that he has fulfilled at least three of the ten criteria listed in the regulations” at 8 C.F.R. § 204.5(h)(3)(i)-(x).

On appeal, the petitioner has not identified specific evidence in the record that establishes that he meets the initial evidentiary requirements set forth under the regulations at 8 C.F.R. § 204.5(h)(3). The petitioner has also not provided any legal support or evidence to show that the director’s findings in the June 19, 2014 decision are erroneous.

As the petitioner has not specifically identified any erroneous conclusion of law or statement of fact for the appeal, we must therefore summarily dismiss the appeal, pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v).

**ORDER:** The appeal is dismissed.