



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUL 13 2015**

FILE #: [REDACTED]
PETITION RECEIPT #: [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:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

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

Ron Rosenberg
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 on appeal. The appeal will be dismissed.

The petitioner seeks classification as an “alien of extraordinary ability” in athletics, pursuant to section 203(b)(1)(A) of the immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), which makes visas available to petitioners who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. The director determined the petitioner had not satisfied the initial evidence requirements set forth at 8 C.F.R. § 204.5(h)(3), which requires documentation of a one-time achievement or evidence that meets at least three of the ten regulatory criteria. Specifically, the director first concluded that the petitioner had not submitted evidence that any of his awards are major, internationally recognized awards. The director then concluded that while the petitioner had documented his receipt of lesser nationally or internationally recognized prizes or awards pursuant to 8 C.F.R. § 204.5(h)(3)(i), he had not demonstrated (1) that the U.S. Table Tennis Association requires outstanding achievements of its members as required under 8 C.F.R. § 204.5(h)(3)(ii); (2) that the published material he submitted about various competitions was about him as required under 8 C.F.R. § 204.5(h)(3)(iii); and (3) that the letters reflect that his contributions were of major significance as required under 8 C.F.R. § 204.5(h)(3)(v).

The regulation at 8 C.F.R. § 103.3(a)(v) provides in pertinent part: “*Summary dismissal.* An officer to whom an appeal is taken 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.” On the appellate form, the petitioner indicated that his brief and/or evidence is attached to the appeal. While the petitioner did submit additional evidence with the appeal, he did not provide a brief or a statement identifying the director’s erroneous conclusion of law or statement of fact for the appeal. The additional evidence consists of photocopies of the petitioner’s passport and entry documents, and a website printout from the International Table Tennis Federation (ITTF). The printout reflects that on [REDACTED] 2014 the petitioner was ranked [REDACTED] among men’s table tennis in North America and [REDACTED] in the world. The ITTF evidence postdates the petition filing date of September 27, 2013. A petitioner must establish the elements for the approval of the petition at the time of filing. 8 C.F.R. § 103.2(b)(1), (12). A petition may not be approved if the petitioner was not qualified at the priority date, but expects to become eligible at a subsequent time. *See Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg’l Comm’r 1971). Therefore, the evidence from the ITTF cannot be considered within these proceedings.

Regardless, the petitioner’s ranking cannot, by itself, overcome all of the bases of the director’s decision. The ranking relates to the significance of the petitioner’s awards, although a high national ranking does not demonstrate that the petitioner has received a major, internationally recognized award such that the petitioner need not satisfy at least three of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The director concluded that the petitioner meets the lesser nationally or internationally recognized awards criterion set forth at 8 C.F.R. § 204.5(h)(3)(i). Even if we concluded that the rankings are relevant to the contributions criterion at 8 C.F.R. § 204.5(h)(3)(v), the national rankings do not relate to the membership requirements for the U.S. Table Tennis

Association, and do not demonstrate that the published materials about the competitions that the petitioner submitted are about him as required by the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(iii). Accordingly, these rankings cannot overcome the director's conclusion that the petitioner did not demonstrate a major, internationally recognized award or satisfy at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned does not specifically identify any erroneous conclusion of law or statement of fact for the appeal. *See also Idy v. Holder*, 674 F.3d 111, 116 (1st Cir. 2012) (indicating that where a petitioner challenges the legal basis for the director's decision, but does not raise any legal issue regarding the decision, the appellate body is deprived of jurisdiction over the issue); *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 findings and offers no substantive basis for the filing of the appeal. As the petitioner does not provide any specific statement regarding the basis of his appeal and the additional evidence does not relate to the petitioner's eligibility as of the date of filing, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.