



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF S-D-

DATE: NOV. 6, 2015

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a cyclist, seeks classification as a person of “extraordinary ability.” *See* Immigration and Nationality Act (the Act) § 203(b)(1)(A); 8 U.S.C. § 1153(b)(1)(A). The Director, Texas Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, 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.” The submitted Notice of Appeal or Motion, Form I-290B, does not contain a statement regarding the reasons for appeal. In Part 3 of the Form I-290B, “Information About the Appeal or Motion,” the Petitioner checked the box that reads: “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.” However, as of today’s date, over four months after the Petitioner filed his appeal in May 2015, he has not provided a brief or additional evidence.

In his decision, the Director discussed the evidence in the record and found that the Petitioner did not establish his extraordinary ability or that he would continue to be employed in his field in the United States. In this case, the Petitioner has not identified an erroneous conclusion of law or statement of fact in the Director’s decision. The mere filing of a Form I-290B, without specifically identifying an erroneous conclusion of law or statement of fact, does not trigger an analysis of the criteria or a review of the Director’s decision. *See* 8 C.F.R. § 103.3(a)(1)(v); *Toquero v. INS*, 956 F.2d 193, 195 (9th Cir. 1992).

As the Petitioner has not specifically identified any erroneous conclusion of law or statement of fact, we must dismiss the appeal.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of S-D-*, ID# 14812 (AAO Nov. 6, 2015)