



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUL 15 2015**

PETITION RECEIPT #: 

IN RE: Petitioner: 
Beneficiary: 

PETITION: Petition for a Nonimmigrant Worker under Section 101(a)(15)(O)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(O)(i)

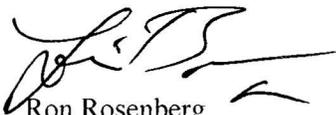
ON BEHALF OF PETITIONER:

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,



Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. We will summarily dismiss the appeal.

The petitioner filed the nonimmigrant visa petition seeking classification of the beneficiary under section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(O)(i), as an alien with extraordinary ability in the arts. The petitioner is self-described as a talent management representation business. It seeks to employ the beneficiary in the position of singer/performer for a period of two years.

The director denied the petition, concluding that the petitioner did not establish that the beneficiary has a demonstrated record of extraordinary ability in the arts. In denying the petition, the director determined that the petitioner did not establish that the beneficiary has been nominated for or has been the recipient of a significant national or international award, pursuant to 8 C.F.R. § 214.2(o)(3)(iv)(A), or that she has satisfied three of the six evidentiary criteria set forth at 8 C.F.R. § 214.2(o)(3)(iv)(B). The director also denied the petition on the basis that the petitioner did not satisfy its evidentiary burden to submit contracts between the beneficiary and her actual employers, and a complete itinerary of the proposed event or events, as required by 8 C.F.R. § 214.2(o)(2)(iv)(E)(2).

The petitioner subsequently filed an appeal. The director declined to treat the appeal as a motion and forwarded the appeal to us for review. The petitioner filed a separate statement regarding the basis for the appeal, as instructed at part 4 of the Form I-290B, stating as follows:

The decision was not in conformity with the evidence presented or the regulations. Brief to be submitted in 30 days.

The petitioner filed the appeal on November 17, 2015. As of this date, approximately eight months have passed and we have not received the brief or additional evidence as indicated on the Form I-290B. Accordingly, the record will be considered complete.

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

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 appeal, the petitioner does not identify specifically an erroneous conclusion of law or statement of fact on the part of the director as a basis for the appeal. The petitioner's unsupported and general assertion that the petition was denied in error is insufficient. As noted above, we have not received a brief or additional evidence. Rather, we received a letter dated December 10, 2014 from prior counsel advising that she was withdrawing as your representative after you advised her that you were no longer interested in pursuing the appeal. As prior counsel did not indicate that you were withdrawing the appeal and, regardless, was no longer your representative, the record does not contain a request to

withdraw the appeal from you or your representative. Therefore, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).¹

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Inasmuch as the petitioner has not identified specifically an erroneous conclusion of law or a statement of fact in support of the appeal, the petitioner has not sustained that burden.

ORDER: The appeal is summarily dismissed.

¹ In addition, according to the Florida Department of State Division of Corporations website accessed on July 14, 2015, the petitioner is currently dissolved. The petitioner's dissolution pursuant to the laws of the Florida Department of State terminates the employer's business. *See* Florida Division of Corporations, Florida Department of State, <http://search.sunbiz.org/Inquiry/CorporationsSearch/SearchResultDetail/EntityName/dom> (accessed on July 14, 2015.) Therefore, if this appeal were not being dismissed for the reasons set forth herein, this fact is material to its eligibility for the requested visa. Specifically, the petitioner's dissolution raises serious questions about whether it continues to exist as an importing employer. *See* section 214(c)(1) of the Act, 8 U.S. C. § 1184(c)(1).