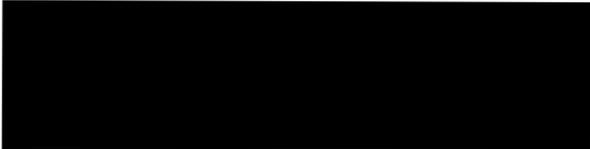




U.S. Citizenship  
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Services

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FILE: WAC 06 236 51652 Office: CALIFORNIA SERVICE CENTER Date: **APR 03 2008**

IN RE: Petitioner:  
Beneficiary:



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

ON BEHALF OF PETITIONER: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner states that it is a booking agent. It seeks to classify the alien beneficiaries as members of an internationally recognized entertainment group under section 101(a)(15)(P)(i)(b) of the Immigration and Nationality Act (the Act). The director denied the petition, finding that the petitioner had failed to establish that the beneficiaries were internationally recognized for a sustained and substantial amount of time pursuant to 8 C.F.R. § 214.2(p)(4)(iii)(B).

On appeal, the petitioner indicated on Form I-290B that it would submit a brief and/or additional evidence to address the director's denial within 30 days. Although the petitioner submitted a brief statement on the Form I-290B, it failed to adequately address the director's conclusions. In this brief statement, the petitioner states:

We're appealing [sic] the desition [sic] because we have a lot of contracts signed with the owners from differents [sic] clubs in which the [sic] had done publicity for live performances from the musical group.

This musical group is one of the most popular from the Dominican Republic. [The beneficiary] has traveled in diffrents [sic] ocassions [sic] to United States.

Thank you for your cooperation.

The director did a thorough analysis and specifically discussed the deficiencies in the evidence in his decision. The petitioner's general objections on the Form I-290B, without specifically identifying any errors on the part of the director, are simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the petitioner. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

On the Notice of Appeal received on September 27, 2006, the petitioner clearly indicates that it would send a brief with the necessary evidence to the AAO within thirty days. According to 8 C.F.R. § 103.3(a)(2)(i), the petitioner "shall file the complete appeal including any supporting brief with the office where the unfavorable decision was made within 30 days after service of the decision," which in the case at hand would be no later than October 12, 2006. While the petitioner may request that it be granted additional time to submit an appeal, no such request was made in this case. See 8 C.F.R. § 103.3(a)(2)(vii). Even if additional time to submit a brief in support of the appeal had been requested and approved, to date there is no indication or evidence that the petitioner ever submitted a brief and/or

evidence in support of the appeal with the Service or with the AAO.<sup>1</sup> As stated above, absent a clear statement, brief and/or evidence to the contrary, the petitioner does not identify, specifically, any erroneous conclusion of law or statement of fact. Hence, the appeal must be summarily dismissed. *See* 8 C.F.R. § 103.3(a)(1)(v).

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.

It is noted that with Form I-290B, the petitioner submits a letter from The Association of Entertainment Critics of New York. While the AAO acknowledges the submission of this letter, it is afforded no evidentiary weight in these proceedings for the reasons set forth above.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the petitioner has not sustained that burden. Therefore, the appeal will be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.

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<sup>1</sup> On March 5, 2008 and March 11, 2008, the AAO attempted to contact the petitioner via its telephone and facsimile numbers on record in the file. No reply was received, and facsimile transmission attempts were unsuccessful. **There is no change of address or contact information for the petitioner in the file.**