U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

(b)(6)

DATE: APR 0 1 2013 OFFICE: TEXAS SERVICE CENTER FILE:

IN RE: PETITIONER:
BENEFICIARY:

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:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of $630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition on November 19, 2012. The petitioner, who is also the beneficiary, appealed the decision to the Administrative Appeals Office (AAO) on December 21, 2012. The appeal will be summarily dismissed.

In part 6 of the petition, the petitioner indicates that he is seeking classification as an "alien of extraordinary ability" as an actor, 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 3 of the Notice of Appeal or Motion, Form I-290B, "Basis of the Appeal or Motion," counsel states, in its entirety:

> This matter is being appealed as the applicant herein, a self-petitioner, is in fact an alien of extraordinary ability. He will continue to work in the field of endeavor in this country and in fact has done so pursuant to the grant of an O visa. He will propectively [sic] benefit the United States with hsi [sic] presence. Moreover, the application as well as the Response to the RFE [Request for Evidence] contain sufficient evidence to establish that he has met at least 3 of the requitrements [sic] of the list of ten.

In part 2 of the Form I-290B, which is dated December 20, 2012, counsel indicates that his "brief and/or additional evidence will be submitted to the AAO within 30 days. As of this date, more than three months later neither counsel nor the petitioner has filed a brief or additional evidence.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides, in pertinent part, the AAO "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, neither the petitioner nor counsel has specifically identified an erroneous conclusion of law or statement of fact in the director's November 19, 2012 adverse decision. Instead, on appeal, without specifically identifying which criteria the petitioner meets, counsel asserts in a conclusory manner that the petitioner "is in fact an alien of extraordinary ability." Counsel's mere assertion that the petitioner is eligible for the visa category sought, without specifically identifying or providing support establishing any erroneous conclusion of law or statement of fact, does not trigger the AAO to conduct a full analysis of all the criteria, or a review of the director's decision. *See Toquero v. INS*, 956 F.2d 193, 195 (9th Cir. 1992); *Matter of Lozada*, 19 I. & N. Dec. 637 (BIA 1988); *Matter of Valencia*, 19 I. & N. Dec. 354 (BIA 1986); *see also Desravines v. United States Att'y Gen.*, No. 08-14861, 343 F. App'x 433, 435 (11th Cir. 2009) (finding that issues not briefed on appeal by a *pro se* litigant 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).

As counsel has failed to specifically identify any erroneous conclusion of law or statement of fact for the appeal, the appeal must therefore be summarily dismissed, pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is dismissed.