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U.S. Department of Homeland Security
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Washington, DC 20536

U.S. Citizenship and Immigration Services

B2

[redacted]

FEB 24 2004

FILE: EAC 02 103 52139 Office: VERMONT SERVICE CENTER Date:

IN RE: Petitioner: [redacted]
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: 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.

Marie Johnson

For Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner seeks to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability. The petitioner is a fast food restaurant, which seeks to employ the beneficiary as a cook. The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, "[a]n 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 Form I-290B Notice of Appeal, filed on March 12, 2003, the petitioner indicated that a brief would be forthcoming within thirty days. To date, over ten months later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

The statement on the appeal form reads simply "to continue processing my petition I-140." This is not a specific allegation of error. The petitioner's desire to continue the proceeding is not a sufficient basis for appeal. The petitioner must show not only that he wishes to "continue processing" the petition; the petitioner must also demonstrate that the director should have approved the petition, or submit evidence to overcome the director's findings. In this instance, the petitioner has not submitted any substantive evidence at all, before or after the director denied the petition. The petitioner's only submissions are the petition form, a letter of recommendation, and the appeal form.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.