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U.S. Department of Justice
Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



Public Copy

FILE: EAC-01-029-51386 Office: Vermont Service Center Date: AUG 1 2001

IN RE: Petitioner:
Beneficiary:



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

IN BEHALF OF PETITIONER: Self-represented

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

INSTRUCTIONS:

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

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert R. Wiemann
for Robert R. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The petitioner in this matter is a private attorney acting as an agent for the alien beneficiary. The beneficiary is a professional dancer. The petitioner filed a Form I-129 (Petition for a Nonimmigrant Worker) seeking classification of the beneficiary under section 101(a)(15)(P)(iii) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. 1101(a)(15)(P)(iii), as a culturally unique performing artist.

The director denied the petition because the petitioner failed to submit proof of contracts verifying the stated itinerary of the beneficiary as required at 8 C.F.R. 214.2(p)(2)(ii).

On the Form I-290B Notice of Appeal, the petitioner argued that a mere change in itinerary is not a basis for denial of a P-3 petition. The petitioner indicated that a written brief or additional information would be forthcoming on or before May 2, 2001. As of this date, however, no additional submission has been received and the record will be considered complete as presently constituted.

8 C.F.R. 103.3(a)(1)(v) further states that:

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 review of the record, contrary to the petitioner's statement, the director properly denied the visa petition on the grounds cited in the decision. Inasmuch as the petitioner has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

Administrative notice is made that the petition is deficient on additional grounds. There is no evidence in the record that the beneficiary satisfies the definition of a culturally unique performer found at 8 C.F.R. 214.2(p)(3).

ORDER: The appeal is summarily dismissed.