



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF R-C-

DATE: JULY 1, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a painter who claims extensive knowledge in painting and arts, seeks classification as an individual of "extraordinary ability" in the field of the arts. *See* Immigration and Nationality Act (the Act) § 203(b)(1)(A); 8 U.S.C. § 1153(b)(1)(A). The Director, Nebraska Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, we "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 Part 3 of the Form I-290B, "Information About the Appeal or Motion," the Petitioner checked the box that reads: "I am filing an appeal to the Administrative Appeals Office (AAO). My brief and/or additional evidence is attached." In a statement accompanying the Form I-290B, the Petitioner disputes the Director's determination regarding the high salary criterion, stating in pertinent part: "[O]n the request for evidence I submitted another evidence [*sic*] that showed that I am being paid way more than people with my caliber."

In this case, the Petitioner indicates that he challenges the Director's finding pertaining to the high salary criterion under the regulation at 8 C.F.R. § 204.5(h)(3)(ix). In the denial, the Director discussed the evidence in the record, which consisted of a job offer for a graphic design position and a wage comparison from the online wage library of the Department of Labor's Foreign Labor Certification Data Center. The Director found that the evidence did not demonstrate that the Petitioner received a high salary as an artist, the occupation under which he seeks to establish his extraordinary ability. On appeal, the Petitioner does not identify an erroneous conclusion of law or statement of fact in the Director's decision. The mere filing of a Form I-290B, without specifically identifying an erroneous conclusion of law or statement of fact, does not trigger an analysis of the criteria or a review of the Director's decision. *See* 8 C.F.R. § 103.3(a)(1)(v); *Toquero v. INS*, 956 F.2d 193, 195 (9th Cir. 1992).

As the Petitioner has not specifically identified any erroneous conclusion of law or statement of fact, we must dismiss the appeal.

Matter of R-C-

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of R-C-*, ID# 17863 (AAO July 1, 2016)