



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

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

In Re: 4729139

Date: FEB. 6, 2020

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, a fashion model, seeks classification as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition, concluding that the Petitioner had not satisfied the initial evidentiary requirements set forth at 8 C.F.R. § 204.5(h)(3), which include documentation of a one-time achievement (that is, a major, internationally recognized award) or sufficient qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles). In denying the petition, the Director determined that the Petitioner fulfilled one of the initial evidentiary criteria, artistic display of his work at 8 C.F.R. § 204.5(h)(3)(vii), but did not meet any of the other criteria.

The Petitioner's submission on appeal consists of a Form I-290B, Notice of Appeal or Motion, and additional evidence. On the Form I-290B the Petitioner marked Box 1(b) in Part 2, indicating that he would submit a brief and/or additional evidence to this office within 30 calendar days of filing the appeal. The record reflects that the Petitioner has not submitted a brief or any additional evidence since filing the appeal more than 11 months prior. Accordingly, the record will be considered complete as presently constituted.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. Upon review, we will summarily dismiss the appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides, in pertinent part, that 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." The Petitioner has not specifically identified any erroneous conclusion of law or statement of fact as a basis for the appeal. The Petitioner has not provided a brief in support of the appeal. Moreover, the Petitioner did not provide with its appeal a separate statement regarding the basis of the appeal, as instructed at Part 3 of the Form I-290B. Rather, in Part 7 of the

form, the Petitioner lists the evidence provided in exhibits A-1, B-1, and C-1 of the appeal. A petitioner filing an appeal is required to provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. Here, the Petitioner has made no reference or objection to the specific findings set forth in the Director's previous decision.

We acknowledge that the Petitioner provides additional evidence with Form I-290B. He submits documentation regarding his participation in the [redacted] competition in [redacted] 2018 in Poland, including his entry form, a letter from [redacted] of [redacted] confirming the Petitioner will represent Venezuela in the event, a press release from the event's producer, and screenshots from various websites reporting on the pageant. He also includes an invitation to a [redacted] 2018 event in [redacted] hosted by the [redacted] Influencer Program. Further, he provides screenshots from various websites showing that in 2018 he participated in the [redacted] [redacted] and the [redacted] Closing Gala. However, the aforementioned evidence relates to events occurring after the filing of the petition on April 7, 2017. The Petitioner must establish that all eligibility requirements for the immigration benefit have been satisfied from the time of filing and continuing through adjudication. 8 C.F.R. § 103.2(b)(1). Moreover, this evidence does not specifically address the regulatory criteria, and does not explain and establish how the Director erred in determining that the Petitioner did not satisfy the regulatory requirement of three types of evidence.

As the Petitioner has not identified any flawed conclusion of law or statement of fact for appeal, we will summarily dismiss the appeal pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v).

**ORDER:** The appeal is dismissed.