



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

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

In Re: 8745573

Date: JUNE 15, 2020

Appeal of Nebraska Service Center Decision

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

The Petitioner, an orchestral violinist, seeks classification as an individual 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 Nebraska Service Center denied the petition, determining that the Petitioner did not provide evidence of a one-time achievement, or, in the alternative, evidence that he satisfied at least three of ten initial evidentiary criteria for this classification.

On appeal, the Petitioner does not acknowledge or address the grounds for denial of the petition or contend that the petition was denied based on any error on the part of the Director. Rather, the Petitioner submits the Form I-290B, Notice of Appeal or Motion, and an appeal statement. 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. Similarly, in his statement the Petitioner indicates that “[a] formal brief detailing the grounds for appeal will follow within the proscribed time frame.” The record reflects that the Petitioner has not submitted a brief or any additional evidence since filing the appeal more than nine months prior. Accordingly, the record will be considered complete as presently constituted.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part that “[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.”

Here, the Petitioner has not contested any aspect of the Director’s decision and has not identified an erroneous conclusion of law or statement of fact on the part of the Director as a basis for the appeal. Therefore, the appeal will be summarily dismissed.

We note that the Director’s decision adequately addressed the evidence submitted with respect to each of the claimed evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(ix) and explained why such evidence was insufficient to meet the Petitioner’s burden. The Petitioner was therefore given a sufficient

explanation of the grounds for denial as required by 8 C.F.R. § 103.3(a)(1)(i), and a fair opportunity to contest the decision. We agree with the Director's determination that the Petitioner did not establish eligibility for the benefit sought.

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. As the petitioner has not identified an erroneous conclusion of law or statement of fact in support of the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.