



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

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

In Re: 18184748

Date: AUG. 17, 2021

Appeal of Texas Service Center Decision

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

The Petitioner, a fish market, seeks to classify the Beneficiary as an individual of extraordinary ability in business. *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 record did not establish, as required, that the Beneficiary meets at least three of the ten initial evidentiary criteria for this classification.

The matter is now before us on appeal. On the Form I-290B, Notice of Appeal or Motion, the Petitioner indicated that a brief and/or additional evidence would be submitted to this office within 30 days. The appeal was filed on February 23, 2021. As of this date, no additional evidence has been incorporated into the record of proceeding, and the record will be considered complete.

In a letter accompanying the Form I-290B, the Petitioner stated that the Beneficiary is knowledgeable about its business and makes a personal plea for approval of the petition. The Petitioner did not acknowledge or address the grounds for denial of the petition or contend that the petition was denied based on any specified error on the part of the Director.

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) 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 that the Beneficiary was eligible 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 pursuant to 8 C.F.R. § 103.3(a)(1)(v).