



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

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

MATTER OF D- INC

DATE: APR. 25, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a “music entertainment” corporation, seeks classification for the Beneficiary as an individual of exceptional ability in the arts. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This second preference classification makes immigrant visas available to foreign nationals with a degree of expertise significantly above that normally encountered in the sciences, arts, or business.

On September 20, 2016, the Director of the Nebraska Service Center denied the petition. The matter is now before us on appeal. Upon review, we will summarily dismiss the appeal.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically an erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

The Petitioner did not provide a statement in support of the appeal that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. On the Form I-290B, Notice of Appeal or Motion, the Petitioner stated that a brief or additional evidence would be submitted within 30 days of filing. However, we have not received anything further from the Petitioner to date. Because the Petitioner has not identified a specific, erroneous conclusion of law or statement of fact in the Director’s decision below, the appeal must be summarily dismissed.

We note separately that, even if the Petitioner identified a specific, erroneous conclusion of law or statement of fact, the Petitioner would need to cure the improperly filed appeal in order for us to review the merit of such a statement. The Administrative Appeals Office must reject an appeal improperly filed by an attorney without a properly executed Form G-28, Notice of Appearance as Attorney or Representative, entitling that person to file the appeal. 8 C.F.R. § 103.3(a)(2)(v)(A)(1)-(2). *See also* 8 C.F.R. § 292.4(a). In this case, an attorney filed the Form I-290B supported by an auto-executed Form G-28 bearing “/S/” in place of the signature of the Petitioner in Part 4.

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

Cite as *Matter of D- Inc*, ID# 394871 (AAO Apr. 25, 2017)