

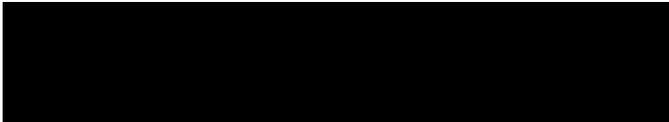


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U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
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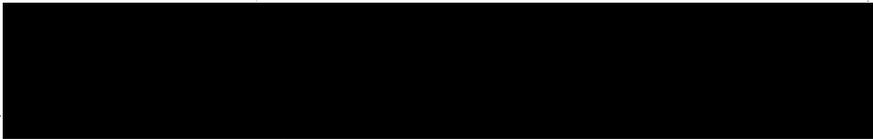
File: EAC 00 091 52809 Office: Vermont Service Center

Date: JUN 12 2002

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

Petition: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(1)(A)

IN BEHALF OF PETITIONER:



PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center. The petitioner filed a motion to reopen. After granting the motion to reopen, the director affirmed the denial of the petition. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be sustained and the petition will be approved.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(1)(A), as an alien of extraordinary ability in the arts. The director determined the petitioner had not established that she qualifies for classification as an alien of extraordinary ability.

Section 203(b) of the Act states, in pertinent part, that:

(1) Priority Workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):

(A) Aliens with Extraordinary Ability. -- An alien is described in this subparagraph if --

(i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,

(ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

(iii) the alien's entry to the United States will substantially benefit prospectively the United States.

As used in this section, the term "extraordinary ability" means a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor. 8 C.F.R. 204.5(h)(2). The specific requirements for supporting documents to establish that an alien has sustained national or international acclaim and recognition in his or her field of expertise are set forth in the Service regulation at 8 C.F.R. 204.5(h)(3). It should be reiterated, however, that the petitioner must show that she has sustained national or international acclaim at the very top level.

This petition, filed on February 4, 2000, seeks to classify the petitioner as an alien with extraordinary ability as a documentary director. The regulation at 8 C.F.R. 204.5(h)(3) indicates that an alien can establish sustained national or international acclaim through evidence of a one-time achievement (that is, a major, international recognized award). Barring the alien's receipt of such an award, the regulation outlines ten criteria, at least three of which must be satisfied for an

alien to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability. The petitioner has submitted evidence that, counsel claims, meets the following criteria:

Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

The petitioner submits evidence of the following national awards:

1. 3rd China Documentary Academic Award for Long-length Documentary and Best Director from the China Television Academic Association of the China Television Artists Association (1997)
2. 15th China National Television Golden Eagle Award to the Shanghai Television Station for Long-length Documentary (1997)
3. 15th China National Television Golden Eagle Award for Best Director (1997)
4. 1992 China Radio and Television First Prize Award (Producer) to the Shanghai Television Station
5. 1992 China Radio and Television First Prize Award (Director)
6. 1990 China Radio and Television First Prize Award (Director)

In addition, the petitioner submits evidence of a first prize award from the [REDACTED] Television Society (1992), but this award reflects local rather than national recognition. The petitioner also submits evidence of her nomination for awards at various international film festivals in France, Portugal and Canada. While it is certainly recognition of one's talents to be nominated, the regulation clearly requires the receipt of a nationally or internationally recognized prize or award. A mere nomination demonstrates only that the petitioner participated in the competition.

The awards presented to the [REDACTED] cannot satisfy this criterion. The plain wording of the regulation requires the award to be presented to the "the alien" rather than to an institute or organization with which the alien is affiliated.

While the significance of the above listed awards is not immediately self-evident, the petitioner submits more persuasive evidence in the form of letters from the awarding entities. According to [REDACTED] vice-chairman of the China Television Artists Association: "The China Documentary Academic Award is a professional nationwide award in China's documentary field. The competition has been held four times... Every year, it draws more than 100 to 200 documentaries from all around the country [for] participation." A letter from the Office of China National Television states that the Golden Eagle Awards are "decided by the votes of audiences nationwide." According to [REDACTED] of the Jury Committee, China Radio and Television Academic Society, and Professor of the Beijing Broadcasting Institute, the China Radio and Television Award, "is the top national award in the radio and television field of China." He further states that each year the jury committee "decides on the first, second and third prizes among the news, social documentaries and entertainment programs selected by radio and

television organizations nationwide.” Further information regarding the significance of the awards is offered by [REDACTED] Vice President of Phoenix Satellite Television in Hong Kong. He states that the China Documentary Academic Award “is the highest academy award in China” and that the China National Television Golden Eagle Award is “the highest audience voted award in China.” Thus, the documentation submitted demonstrates that five of the awards received by the petitioner are sufficient to satisfy this criterion.

Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.

In order to demonstrate that membership in an association meets this criterion, the petitioner must show that the association requires outstanding achievement as an essential condition for admission to membership. Membership requirements based on employment or activity in a given field, a fixed minimum of education or experience, standardized test scores, grade point average, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion because participation, employment, education, experience, test scores and recommendations do not constitute outstanding achievements. In addition, memberships in an association that judges membership applications at the local chapter level do not qualify. It is clear from the regulatory language that members must be selected at the national or international, rather than the local, level. Finally, the overall prestige of a given association cannot satisfy the criterion, because the key issue is membership requirements rather than the association's overall reputation.

The petitioner submits evidence of her membership certificate for the China Television Documentary Academic Association. The petitioner also provides a copy of the association's regulations listing its specific membership requirements.

Requirements: Experts and professionals in documentary production and researching fields; documentary filmmakers possessing intermediate titles authorized by professional designation committee and nationwide prizewinning works... Apply for membership in person. [Applicants must be] recommended by two members of the China Documentary Academy. Approved by the standing council of the China Documentary Academy.

Termination: Members without nationwide prizewinning works or professional achievements in constructive four years [sic], will be terminated membership [in] the China Television Documentary Academic Association.

The record contains evidence demonstrating the association's specific membership requirements and that the petitioner was judged by recognized national experts in consideration of her membership. The petitioner's evidence thus satisfies this criterion.

Published materials about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.

In general, in order for published material to meet this criterion, it must be primarily about the petitioner and, as stated in the regulations, be printed in professional or major trade publications or other *major media*. To qualify as major media, the publication should have significant national distribution and be published in a predominant language. An alien cannot earn acclaim at the national level from a local publication or from a publication in a language that most of the population cannot comprehend. Some newspapers, such as the *New York Times*, nominally serve a particular locality but they qualify as major media because of significant national distribution, unlike small local community papers.¹

In a statement accompanying the initial filing, counsel provided a listing of articles that were alleged to have appeared in various newspapers, magazines and journals. However, the plain wording of the regulation requires the petitioner to submit "published materials about the alien." Without the actual articles and accompanying translations, it cannot be determined if they qualify as major media or if the petitioner was even the main subject. A mere listing of published articles fails to satisfy the extensive documentation requirement set forth in Section 203(b)(1)(A)(i) of the Act. Counsel states: "We submitted, with our initial petition, about twenty articles about [the petitioner] and her documentary programs." The record at the time of filing, however, contained only one article appearing in the *China Daily*, a book review written by Professor Jin Guan Jun on letterhead from Shanghai University, and various promotional materials from Shanghai Television.

On August 24, 2000, the director requested further documentary evidence of published materials about the petitioner and proof of their "distribution coverage." The petitioner responded by submitting a non-translated excerpt from a book entitled, *Documentary and Exploration- A Century Conversation with Chinese Documentary Artists*. By regulation, any document containing foreign language submitted to the Service shall be accompanied by a full English language translation that the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. 8 C.F.R. 103.2(b)(3). Without an English language translation, it cannot be determined whether the petitioner is the main subject of the excerpt, or that she was featured because of her achievements as an extraordinary documentary director. Further, the excerpt did not include the date of publication, or the name of the author, as required by the regulation.

¹ Even with nationally-circulated newspapers, consideration must be given to the placement of the article. For example, an article that appears in the Washington Post, but in a section that is distributed only in Fairfax County, Virginia, cannot serve to spread an individual's reputation outside of that county. Also, a petitioner cannot satisfy this criterion merely by paid promotional advertisements in a national or local publication.

We also note that the petitioner failed to submit documentation responding to the director's request for information regarding the extent of published materials' circulation. Thus, it has not been demonstrated that the petitioner has been the subject of major media coverage.

Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought.

The petitioner must demonstrate that her national or international acclaim resulted in her selection to serve as a judge of the work of others. Similarly, the competition or contest must be on a national or international level. For example, judging a national athletic competition or an international film festival carries greater weight than judging a county-wide competition.

The petitioner submits evidence that she served as one of five international jurors at the 38th Festival Dei Popoli held in Florence, Italy in 1997. The introduction in the festival's program states:

It is this realization which now induces the festivals to collaborate with one another rather than compete. Undoubtedly, the founding of the European Film Festivals Organization (ratified in Florence during the 37th Festival Dei Popoli) stems from the situation described above. The 38th edition of the Florentine review hosts the first important example of collaboration between festivals which differ greatly in their traditions and contents. This year's program is even more extensive than previous editions with its various sections [including] competition, European subject, and an anthropological section.

The introduction also mentions "...two tributes to directors on the international jury [redacted] and [the petitioner]..." The program contains a section of biographies (including a piece about the petitioner) detailing the international jurists' accomplishments in the documentary field.

The petitioner also submits a letter from [redacted] American Museum of Natural History, Margaret Mead Film and Video Festival, stating:

In 1997, the 38th Festival Dei Popoli, a highly prestigious film event, was held in Florence, Italy. A great number of documentaries were invited to participate in this annual international competition. [The petitioner] and I were invited as two of the five international jury members of the Festival. We, along with the European jurors viewed, assessed and awarded prizes to the most outstanding works. During the week the Festival also screened [the petitioner's] outstanding documentary, "The Fading Village."

During my ten years at this Festival, I have had the opportunity to screen thousands of films exploring cultures from around the world. [The petitioner's] work is extraordinary because she combines a sense of both intimacy and larger cultural, social issues in her

work. We are hoping to include some of her titles in our 25th anniversary edition (2001) which will focus on outstanding women documentary directors.

In response to the director's request for evidence, the petitioner submits a letter, dated March 22, 2000, inviting the petitioner to serve as a jury member at the China Rainbow Award Competition. This evidence came into existence subsequent to the petition's filing. See Matter of Katigbak, 14 I & N Dec. 45 (Reg. Comm. 1971), in which the Service held that beneficiaries seeking employment-based immigrant classification must possess the necessary qualifications as of the filing date of the visa petition. However, we find that the petitioner's initial evidence is sufficient to satisfy this criterion.

Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.

The petitioner submits letters from various witnesses, mostly from individuals who have collaborated with the petitioner or who know her from encounters at film festivals or documentary conferences. We note that several of the witnesses refer to the petitioner's nominations and awards. However, the petitioner's awards have previously been addressed under a criterion that the petitioner has already met. The ten criteria are intended to be separate and distinct from one another. An award cannot fulfill this second criterion without clear evidence that the award was given for specific contributions of major significance, rather than simply for recognition of the petitioner's creative skills in directing a successful documentary.

[REDACTED] President of Witty Associates, was the Executive Producer of Wall Street Journal Television at [REDACTED] and Company until 1997, and has served as a television producer and documentary filmmaker for national broadcasters such as PBS and CBS. [REDACTED] states:

I came to know [the petitioner] in 1994 when [REDACTED] first attempted to create a Chinese version of The Wall Street Journal Report television program [REDACTED] [The petitioner] was then the senior vice-director of Channel 8 of Shanghai TV Station. China had been a difficult market for U.S. news programs to enter. But [the petitioner] is an exceptional television executive and program producer. She embraced this new idea and saw the importance of bringing international business information to China, so that the general population could better understand the demands of a growing economy. It was in great part thanks to her leadership, that this program became the first foreign news program to be televised in China.

[The petitioner] and I worked closely together to prepare this groundbreaking program for broadcast. In early 1995, the new Chinese version, *World Economy and Finance Report* went on the air on Channel 8 in Shanghai. This program is now seen in more than ten major markets all over China. This joint project of [REDACTED]

is considered the most successful TV joint venture in terms of commercial results and cross-cultural cooperation.

[The petitioner] is also one of the top documentary directors and producers in China. She has received international recognition for her work. Over the past ten years, she has produced more than ten documentaries. Her films have been honored both in China and abroad.

While the petitioner may have played some role in bringing international business information to China through a foreign television news program, it has not been shown that the petitioner initiated the project or that she was primary force behind its coming to fruition. In his letter, [redacted] notes it was [redacted] that "first attempted to create a Chinese version of The Wall Street Journal Report television program in Shanghai." Thus, while the petitioner offered cooperation and leadership in her role as senior vice-director of Channel 8 of Shanghai Television, her efforts in facilitating the project do not constitute a contribution of major significance in the documentary field.

[redacted] Head of Cinematography at the Hong Kong Academy of the Performing Arts, states:

[The petitioner] is one of China's top documentary filmmakers. As Head of Documentary Production at [redacted] she spearheaded the effort of Chinese documentary filmmakers to open up topics never covered before on Chinese television. Her *Documentary Editing Room* became one of the most popular programs on Chinese TV, and has been broadcast in both Hong Kong and Taiwan, as well as winning awards at international film and TV festivals.

I first met [the petitioner] in Shanghai in 1994 at the All-China Documentary Film Congress. We have kept up with each other since then, she keeping me informed of developments in the Chinese documentary film world, while I continue to follow that subject closely, writing on the subject for the *International Documentary Magazine*. I have known [the petitioner] to be not only a talented producer/director of documentary films, but a person of high integrity, always pushing for quality and integrity in her films.

In October of 1998, [the petitioner] accepted an invitation from the President of the International Documentary Association to participate in the "Focus on China" panel discussion on the state of the documentary in China. This was part of the International Documentary Congress held in Los Angeles once every three years. She spoke openly and candidly about the situation in China and used the opportunity to exchange valuable insights with other documentary filmmakers from around the world. I believe that [the petitioner's] world view, and her honesty and unflagging energy make her a valuable asset to the film community at home and abroad.

[REDACTED] of the Cinema du Reel in Paris, France, states:

I am the delegee generale of Cinema Du Reel—international film festival of visual anthropology and social documentation. Every year, hundreds even thousands of documentaries are sent from abroad to join in the festival. Twenty to twenty-five films, with cinematographic qualities and emphasizing the filmmaker's point of view, will be selected for the international competition of the final grand award. [The petitioner's] *The Fading Village* was one of the nominated films in 1997. The lyric expressional style, the unique regional scenes and the humorous side of humanity, her film left me such a deep impression. *The Fading Village* was screened twice at Center Georges Pompidou during the festival. [The] audience watched the film with great interest, including famous French documentary director [REDACTED] [The petitioner] herself was invited as the director of this film to attend the festival events that year. We have been keeping contact ever since then.

In July 1997, I was invited to the 3rd International Seminar on Documentary organized by Shanghai TV Station. With [REDACTED] from U.S. and some other foreign participants, we had constructive discussions on different topics concerning documentary. I saw the encouraging change of Chinese documentaries, which deserves overseas attention. [The petitioner] is also one of the organizers of this seminar. She has always been an active promoter of documentaries.

[REDACTED] Phoenix Satellite Television in Hong Kong, was the petitioner's advisor at the Beijing Broadcasting Institute. He states:

Ever since *A Marriage Bureau for Elderly People* in 1990, [the petitioner's] films have drawn attention from professionals overseas. Some international TV networks from the Netherlands, Denmark, and Australia bought and broadcast her documentaries. In 1998, La Sept/Arte-France and NHK-Japan bought [the petitioner's] *The Fading Village* at higher prices than their usual purchased price, and broadcast it. As far as I know, Australia's ABC and Japan's NHK had special programs to introduce [the petitioner], her films and Shanghai TV Station's documentary production department managed by her.

[The petitioner] has committed herself to the development of Chinese documentaries and the reform of TV programming. In 1993 she initiated and implemented a 40-minute-long per week documentary magazine program called "Documentary Editing Room" at Shanghai TV Station, which is the first documentary magazine program on TV in China. [The petitioner] has also initiated and managed an International Documentary Seminar, which is taken place every two years. Shanghai TV Station is one of the two oldest and largest TV stations in China. Its program has covered more than one hundred million [viewers]. She has served several significant positions at the Shanghai TV Station, including the senior vice-director of Channel 8, and now she is the senior director of International Center and IBS (International Broadcasting Service).

Her most recent documentary *Forward Africa*, a 15-episode series, presents today's Africa from various aspects. *Forward Africa* has been drawn into the spotlight of the media. Its production crew went to ten African countries for shooting two years ago and now the series [has recently debuted]. This large-scale production is considered to be the very first time in China and even in Asia that the Asian people have at close contact with Africans through the camera.

[REDACTED] of the Asia Society, states

As the President of the Asia Society, I focus a good deal of my energy on fostering greater understanding and communication between Americans and the peoples of Asia and the Pacific. America's future is closely tied to Asia, and in particular China, by trade and investment, international politics, the search for solutions global problems.

* * *

I first had the pleasure of meeting [the petitioner] in 1996 while she was deputy director at the Shanghai Television Station and have since become a big fan of her award-winning documentary films. Anyone that has the opportunity to view her work quickly realizes that she possesses a unique combination of technical and artistic talents that allow her films to intimately connect with the audience on several different levels at once. During our first meeting, however, I was struck more by her modesty, integrity, and most importantly passion for cross-cultural communication. Since then we have had several opportunities to renew our friendship during Asia Society events in China and the United States.

As a director and producer of innovative documentary films [the petitioner] has been at the forefront of *China's* rapidly evolving media industry. As Chinese society continues to open to the outside world, [the petitioner's] work serves as an introspective "looking glass" for both the Chinese to reevaluate themselves and their culture and outsiders like myself to better understand the revolutionary transformation of Chinese society during the last 20 years. As such, it is not surprising that her films have been widely acclaimed both within China and internationally, including a best director and film award from the Chinese National Academy of Documentaries for *The Fading Village*, and nominations at the Festival international de Programmes Audiovisuels, the Cinema Du Reel Festival and the Banif TV Festival in Canada. Through her work with Shanghai TV [the petitioner] has also played a leading role in diversifying and enriching the station's content, introducing Chinese audiences to new trends and ideas from abroad.

The witnesses generally describe the petitioner's work rather than offering a valuation of its overall significance to the field. While the witnesses speak favorably of the petitioner's talents, they offer minimal information regarding her contributions to the documentary field. The

record does not establish the extent to which the petitioner's film techniques are used as a model or that the petitioner's work has significantly impacted the direction of her industry. Further, there is little evidence that the petitioner has been the subject of critical acclaim in major Chinese publications or trade media. Finally, no evidence has been submitted to establish the petitioner's specific influence upon documentary directors working at other television broadcast networks. The construction of the regulations demonstrates the Service's preference for verifiable, documentary evidence, rather than subjective opinions of witnesses selected by the petitioner. Several of the above letters are from impressive experts whose opinions are important in the documentary field, but it has not been shown that the petitioner's success in directing documentaries which received national awards also resulted in a contribution of major significance to her field.

Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.

Counsel argues that the petitioner's documentaries satisfy this criterion. However, the plain wording of the regulation requires "the alien's authorship of scholarly articles in the field." Film documentaries are not scholarly articles and therefore cannot satisfy this criterion. Not every criterion will apply to every occupation.

Counsel states: "In addition, a long awaited book authored by the [petitioner] titled: *Documentary Director* is on its way to the public." The petitioner submits a "Book Review" of *Documentary Director* written by [REDACTED] in letterhead from [REDACTED]. The petitioner offers no evidence that this book was ever published or the extent of its circulation.

Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.

In order to establish that the petitioner performed a leading or critical role for an organization or establishment with a distinguished reputation, the petitioner must establish the nature of her role within the entire organization or establishment and the reputation of the organization or establishment. Where an alien has a leading or critical role for a section of a distinguished organization or establishment, the petitioner must establish the reputation of that section independent of the organization as a whole.

Counsel states that the petitioner has performed a leading or critical role for the Shanghai Television Station. The petitioner submits literature demonstrating that the Shanghai Television Station has a distinguished reputation when compared to other television stations throughout China. However, the petitioner offers insufficient evidence detailing her specific role as Senior Director of the International Center for the station and the reputation of the section she manages. The petitioner submits only a brief letter [REDACTED] Vice President of the Shanghai Television Station, mentioning her awards, participation in international film and television festivals, and salary. A review of the documentation provided reveals no evidence to

establish that the petitioner has ever supervised or overseen other individuals at the station. Further, the record does not indicate that the petitioner has consistently exercised substantial control over creative or business decisions executed on behalf of the station. [REDACTED] mentions the petitioner's high salary when compared to the station's forty other documentary directors, but does not explain how the petitioner's role is more critical than the other directors. Counsel's assertion that the petitioner's "*Documentary Editing Room* has become the backbone of the Shanghai Television Station" is unsupported by statements from station's top management, television ratings, or documented critical acclaim. The assertions of counsel do not constitute evidence. Matter of Laureano, 19 I&N Dec. 1, 3 (BIA 1983); Matter of Obaigbena, 19 I&N Dec. 533, 534 (BIA 1988); Matter of Ramirez-Sanchez, 17 I&N Dec. 503, 506 (BIA 1980). Thus, the petitioner has failed to satisfy this criterion.

Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.

The petitioner submits a letter from [REDACTED] Vice President of the Shanghai Television Station, stating that the station "pays her a yearly salary of 120,000RMB, which ranks the highest among our forty documentary directors." The petitioner, however, must demonstrate that the petitioner's salary is high when compared to Senior Directors from other television stations throughout China. The petitioner offers no basis for comparison to show that her salary is significantly high in relation to others in the field.

As further evidence of her international acclaim, the petitioner submits a letter from the Academy of Motion Picture Arts and Sciences (Beverly Hills, California) and the International Documentary Association inviting her to participate in the Third International Documentary Congress in Los Angeles (1998), a gathering of respected film professionals throughout the world. The petitioner also submits a letter from [REDACTED] President of the Academy of Television Arts and Sciences (Hollywood, California), inviting the petitioner and seven other "Chinese television artists" to represent their country at the 2000 Emmy Awards in Los Angeles, California. This letter was dated six months subsequent to the petition's filing; however, we accept it as indicative of the sustained nature of the petitioner's acclaim. The above letters demonstrate that the petitioner's acclaim in her field is certainly not limited to her television station in Shanghai. The petitioner has offered independent evidence from international entities demonstrating that she is a top Chinese documentary director. She has demonstrated national and international recognition in her field through the receipt of several awards, service on an international jury, and membership in an association requiring outstanding achievement as judged by national experts. The petitioner bolsters her claim by submitting statements from international experts showing that she is recognized as a top Chinese documentary director. Her witnesses are not limited to her immediate colleagues and reflect independent acknowledgement of petitioner's status at the top of her field.

In this case, the petitioner has satisfied three of the lesser criteria as a documentary director. The record contains credible evidence of the petitioner's sustained national acclaim as a

documentary director. Pursuant to the statute and regulations as they are currently constituted, the petitioner qualifies for the classification sought.

In review, while not all of the petitioner's evidence carries the weight imputed to it by counsel, the totality of the evidence establishes an overall pattern of sustained acclaim and extraordinary ability. The petitioner has established that she has been recognized as an alien of extraordinary ability who has achieved sustained national acclaim and whose achievements have been recognized in her field of expertise. The petitioner has also established that she seeks to continue working in the same field in the United States and that her entry into the United States will substantially benefit prospectively the United States. Therefore, the petitioner has established eligibility for the benefits sought under section 203 of the Act.

The burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has sustained that burden.

ORDER: The decision of the director is withdrawn. The appeal is sustained and the petition is approved.