

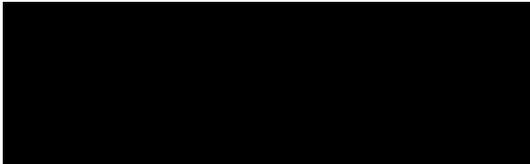


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U.S. Department of Justice  
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



File: [Redacted]

Office: Nebraska Service Center

Date: 12 MAR 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: Self-represented

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which 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 which 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 which 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, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

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. The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify 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

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(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). The relevant criteria will be addressed below. It should be reiterated, however, that the petitioner must show that he has sustained national or international acclaim at the very top level.

This petition seeks to classify the petitioner as an alien with extraordinary ability as a leather craftsman. 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. It is insufficient to merely submit

evidence which addresses three criteria. The evidence must be evaluated as to whether it demonstrates national or international acclaim.

At no point has the petitioner specified which three criteria he claims to meet. The petitioner submitted his resume which includes several alleged accomplishments. The petitioner submitted little other documentation. The director advised the petitioner that a resume did not meet the statutory standard of "extensive documentation." On appeal, however, the petitioner submits little new documentation. Simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. Matter of Treasure Craft of California, 14 I&N Dec. 190 (Reg. Comm. 1972).

The petitioner's resume lists accomplishments relevant to 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 claims to have won 47 first place awards and 18 "standard of excellence" awards at the Sydney Royal Show between 1980 and 2000. The petitioner also lists awards from several other U.S., Japanese and Australian competitions. The petitioner also submitted certificates for World Leather Debut at the Rocky Mountain Trade Show in Sheridan Wyoming in May 2000 and the 1999 Al Stohlman Award for Achievement in Leathercraft. The record contains no documentation of the other claimed awards. Moreover, the petitioner initially failed to provide any information regarding the significance of the Al Stohlman Award or the Rocky Mountain Trade Show.

On appeal, the petitioner's prospective employer, Bruce King, asserts that there are no international awards for leather craft and that the petitioner has received the highest awards that exist. A petitioner cannot merely assert that he is the most talented in his field, he must demonstrate sustained national or international acclaim in his field. As such, a petitioner cannot meet this criterion with minor or local awards simply because significant national awards do not exist in his field.

The petitioner also submits a nominee form for the 1999 Al Stohlman Award, which provides:

This prestigious award will honor the accomplishments of individual leathercrafters world-wide. The Al Stohlman Achievement Award is given annually to a leathercrafter who has demonstrated continued dedication to the craft following the example set by Al Stohlman, one of the most talented, widely known and respected leathercraftsmen. Recipients of the medal and a cash honorarium will be recognized on the basis of their overall achievements in the craft.

An evaluation of the significance of an award from the foundation which presents the award is not as persuasive as an evaluation by an independent expert in the field. In light of the above, the petitioner has not established that he meets 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.*

The petitioner submitted an article in *The Leathercrafters & Saddlers Journal* by Ann Stohlman regarding the petitioner's receipt of the Al Stohlman Award. The director determined that this article was sufficient to meet this criterion. The record, however, does not contain any information regarding the circulation of *The Leathercrafters & Saddlers Journal*. As such, the petitioner has not established that this publication constitutes a major trade publication. On appeal, the petitioner submits an article in the same publication regarding a leather conference in Brisbane, Australia. While the article mentions the petitioner by name, the article is not primarily about the petitioner. The evidence in the record does not reflect that the petitioner meets this criterion.

*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.*

On his resume, the petitioner indicated that he judged leathercraft at the Sydney Royal Show in 1988. The record contains no independent evidence to confirm this claim or any evidence of the significance of this show or the selection process for the judges. As such, the petitioner has not established that he meets this criterion.

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

The petitioner indicated that he has authored articles for *The Leather Craftsman Magazine* and a book, Australian Leather Carving. Once again, the record contains no evidence to support this assertion such as copies of the articles or a copy of the cover page of the book. Regardless, it is not clear that the articles or book constitute scholarly discussions of leathercraft such that they could serve to meet this criterion.

*Evidence of the display of the alien's work in the field at artistic exhibitions or showcases.*

The petitioner indicates on his resume that he has been commissioned to make a leather guitar cover for a theatre production in Australia, a book cover for a U.S. publication, and a leather sign and visitor's book for display at the Al and Ann Stohlman Museum in Forth Worth, Texas. Once again, the record includes no evidence of these commissions. Moreover, it is inherent in the field of art to sell one's work and to be commissioned to create certain pieces. The above commissions do not reflect sustained national or international acclaim and cannot serve to meet this criterion.

On appeal, the petitioner's prospective employer asserts that skilled leathercrafters are rare in the United States. This issue would be better addressed in an application for a labor certification.

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the alien has achieved sustained national or international acclaim and is one of the small percentage who has risen to the very top of the field of endeavor.

Review of the record, however, does not establish that the petitioner has distinguished himself as an artist to such an extent that he may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of his field. The evidence indicates that the petitioner shows talent as a leathercrafter, but is not persuasive that the petitioner's achievements set him significantly above almost all others in his field. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A) of the Act and the petition may not be approved.

The burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. Here, the petitioner has not sustained that burden. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.