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Office: CALIFORNIA SERVICE CENTER Date:

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)

ON BEHALF OF PETITIONER:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann

sn Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office 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 in the sciences or business. The director determined that the petitioner had not established the sustained national or international acclaim requisite to classification as an alien of extraordinary ability.

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

(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 into the United States will substantially benefit prospectively the United States.

The applicable regulation defines the statutory term "extraordinary ability" as "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). Specific supporting evidence must accompany the petition to document the "sustained national or international acclaim" that the statute requires. 8 C.F.R. § 204.5(h)(3). An alien can establish sustained national or international acclaim through evidence of a "one-time achievement (that is, a major, international recognized award)." *Id.* Absent such an award, an alien can establish the necessary sustained acclaim by meeting at least three of ten other regulatory criteria. *Id.*

In this case, the petitioner seeks classification as an alien with extraordinary ability in the sciences or business, in the specific field of marketing. To support her claimed eligibility under six regulatory criteria, the petitioner submitted her curriculum vitae, eight recommendation letters, documentation of membership in three professional associations, evidence that she had evaluated the work of students and potential colleagues, three awards, and excerpts of her publications. The director determined that the record indicated that the petitioner was an accomplished professional who was well respected by her colleagues and supervisors, but was not an alien with extraordinary ability at the time of filing. On appeal, the petitioner submits a brief, copies of the rules for two professional associations of which she is a member and a copy of a certificate of appreciation given to her by the American Marketing Association. The petitioner's claims and the additional evidence do not overcome the substantive reasons for denial and we affirm the director's decision. The evidence submitted,

counsel's contentions and the director's decision are addressed in the following discussion of the regulatory criteria relevant to the petitioner's case.

(i) 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 eligibility under this criterion by virtue of three accomplishments: 1) A first-place award for her paper at an international scientific conference held in Romania in 1999; 2) a "Certificate of Excellence" awarded to the petitioner at an international economic conference held in Greece in 1998; and 3) a certificate of completion of a "bankcard course" granted by the Groupe Société Générale in Romania in 1997. The record contains no documentation regarding the significance or scope of these honors. The director determined that these were academic awards not indicative of the sustained national or international acclaim requisite to classification as an alien with extraordinary ability. On appeal, the petitioner claims that the awards are nationally and internationally recognized and are not limited to academic institutions. She claims additional eligibility under this criterion on appeal by virtue of her receipt of a research grant from the Catholic University of [REDACTED]. The petitioner's claims are not supported by the record and the evidence submitted is insufficient to meet this criterion.

The petitioner submitted a copy of a first-prize certificate awarded to the petitioner for her paper, "The Influence of the Marketing Environment upon the Financial and Banking System in Transition," at the "International Scientific Conference: Development and Competitiveness at the Turn of the Century, Sibiu, Romania" and dated May 11, 1999. The record indicates that the petitioner received this award while pursuing graduate studies at The Academy of Economic Studies in Bucharest, Romania. On appeal, the petitioner claims that her award was granted at "an internationally recognized conference with participants from 5 countries such as Romania, Germany, Belgium and Hungary. At the conference, 92 papers were presented in 6 days." However, the record contains no evidence to corroborate this claim or establish the significance of her award. Going on record without supporting documentary evidence is not sufficient to meet the petitioner's burden of proof. *Matter of Treasure Craft of Cal.*, 14 I&N Dec. 190, 193-94 (Reg. Comm. 1972).

Similarly unverified is the petitioner's statement regarding the significance of the certificate of excellence awarded for her research, "Successful Customer relationship impact on company's profitability" (capitalization in original), at the "International Economic Conference 'New trends in Research and Strategic Marketing'" in Thessaloniki, Greece on February 23, 1998. On appeal, the petitioner claims that the certificate was awarded at "an internationally recognized conference with participants from Eastern and Western Europe, such as Bulgaria, Hungary, Romania, Czech Republic, etc.," but does not submit any corroborative evidence regarding the significance of the conference or the prestige of her certificate. Again, statements made without supporting documentary evidence cannot meet the petitioner's burden of proof. *Id.*

The petitioner's receipt of a research grant from The Catholic University of Louvain-la-Neuve in Belgium is also insufficient to meet this criterion. The record contains no primary evidence of this grant, but a letter from the petitioner's advisor [REDACTED] states that "[e]ver since its inauguration in 1971, the Catholic University in Louvain has been hosting hundreds of students with exceptional educational and professional skills" and praises the petitioner as "one of my best students." These statements contradict the petitioner's claim on appeal that the grants are awarded to established researchers. The petitioner states that "[e]very year, there are two grants for Romania and the petitioner, proven as a top researcher, received one of them," but submits no

evidence to verify this claim. Even if this grant is highly competitive, it is still a student award and does not reflect the requisite sustained acclaim of an established professional in the petitioner's field.

The petitioner also submitted a copy of a certificate from the Groupe Société Générale stating that she had "attended and completed successfully BANKCARD in Bucharest on February 7, 1997." The document is signed by the "Course Master." On appeal, the petitioner claims that "[a]s the Group Societe Generale is the 5th largest bank in the euro zone and employs 88,000 people worldwide, the received diploma is an international recognized prize." We fail to see how the bank's size and international operations make completion of its training courses into internationally recognized prizes. The petitioner cites the website of the Groupe Société Générale, but provides no printouts from the site or other documentation to corroborate her claim. The evidence is insufficient to establish the petitioner's eligibility under this criterion by virtue of this certificate or any of the other three honors discussed above.

(ii) 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.

The petitioner submitted documents confirming her membership in the American Marketing Association (AMA), the General Association of the Economists from Romania (AGER) and the Romanian Association of Marketing. The director correctly determined that these documents were insufficient to meet this criterion because the petitioner submitted no evidence of the eligibility or membership criteria of these associations or other evidence that would demonstrate that the associations require outstanding achievements of their members as judged by recognized national or international experts in the field.

On appeal, the petitioner purportedly quotes the AMA code of ethics as stating that the association "commits itself to promoting the highest standard of professional ethical norms and values for its members." The petitioner cites the website address for the AMA, but provides no printout from the site or other evidence of the AMA's membership criteria. Even if we accept the veracity of the quotation, it does not establish that outstanding achievements are a prerequisite to AMA membership.

On appeal, the petitioner submits the AGER statute, but translates only one sentence: "The objective of AGER is to promote the theoretic and implemental economic researches, to study Romanian and world economy and to promote the economic science." The petitioner's partial translation does not establish that outstanding achievements are a prerequisite to membership in AGER. Moreover, any document containing a foreign language must be accompanied by a full English language translation which the translator has certified as complete and accurate. 8 C.F.R. § 103.2(b)(3).

The petitioner also submits the statute of the Romanian Association of Marketing on appeal, but translates only two phrases: the objective of the association is "to promote the market researches and modern marketing techniques;" and the association's members are individuals who "participate in training and managing marketing activities." She then states that the "requirement to be member is to be individual or organization actively involved in research and marketing activity in the level of education/training or/and marketing management, which narrows to spectrum of members to high professionals involved in the field of marketing." The translated phrases of the association's statute do not support this claim, nor do they establish that outstanding achievements (rather than general activity in the field) are a prerequisite to membership in this association.

(iv) 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 submitted evidence that she was a member of the board of commission that judged and evaluated 32 papers and decided the winners of the 2001 "Student Session of Scientific Communications" held at the Christian University [REDACTED] where she was employed as a lecturer in the Department of Economic International Relations. In addition, the petitioner submitted evidence that she was a member of the examinations board that evaluated and selected an adjunct professor for the same department in 2002. The director correctly found the evidence insufficient to meet this criterion. On appeal, the petitioner emphasizes that she was selected for these two activities because of her knowledge and expertise in her field and submits a "notification" from the rector of the university attesting that the "Annual Student Session of Scientific Communications are held at the national level, involving the most valuable research projects from all 6 university campuses from Bucharest, Timisoara, Brasov, Constantza, Cluj, Sibiu."

In an occupation where "judging" the work of others is an inherent duty of the occupation, such as a coach, teacher, professor or editor, simply performing one's job related duties demonstrates competency, but does not necessarily reflect the sustained national or international acclaim requisite to classification as an alien with extraordinary ability. In this case, the petitioner judged the work of students in a national competition held at the university where she was employed as a lecturer. She also served on the examinations board to select a new faculty member for her department. These activities indicate that she was well regarded as an expert in her field in her department at the Christian University, but they do not reflect sustained national acclaim.

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

The director correctly determined that the petitioner did not meet this criterion. The petitioner submitted eight recommendation letters written by current and former professors, academic advisors, colleagues, and supervisors. The letters date from 1997 to 2003, the year the petition was filed. While such letters provide relevant information about an alien's experience and accomplishments, they cannot by themselves establish the alien's eligibility under this criterion because they do not demonstrate that the alien's work is of major significance in his or her field beyond the circle of those with whom he or she has worked directly. Moreover, recommendation letters carry less weight than preexisting, independent evidence of major contributions that one would expect of an alien who has sustained national or international acclaim in his or her field.

On appeal, the petitioner admits that "part of the reference letters appears to be more like routine reference letters in their structure, as they have been requested during or at the end of a professional relation." She then claims that "[e]ven if it is not written in specific words that the petitioner is a professional of exceptional ability ... it is clearly expressed that petitioner's level of knowledge and abilities are above and beyond others in the field of expertise, which is the requirement of an alien of extraordinary ability." The petitioner misunderstands the legal standard. Section 203(b)(1)(A) of the Act, 8 U.S.C. § 1153(b)(1)(A), requires that an alien's extraordinary (not merely "exceptional") ability be "demonstrated by sustained national or international acclaim" and that the alien's "achievements have been recognized in the field through extensive documentation." Contrary to the petitioner's assertion, mere possession of superior knowledge and abilities is insufficient to demonstrate an alien's eligibility without extensive documentation of the requisite sustained acclaim.

We review the submitted letters under this standard. The petitioner submitted a letter dated September 12, 1997 from [REDACTED] the petitioner's supervisor during her three-month research grant at the Catholic University of Louvain-la-Neuve in Belgium. As previously discussed under the first criterion, [REDACTED] Cobbaut praises the petitioner as "one of my best students" and claims that the site of her field research, [REDACTED] used the conclusions of her research in preparing the future strategy of the bank." [REDACTED] of the Generale de Banque merely remarks that "[t]he study carried out by [the petitioner] was first submitted to the managing staff of the marketing department and then to the bank executives" and does not state that either the bank's management or executives actually used her research.

We note that the English translations of the letters of [REDACTED] state "translation from Romanian" and are accompanied by certifications issued by the Romania Office of Notary Public that verify the "accuracy of this translation with the Romanian text." Yet both letters are written in French. To the extent that the regulation at 8 C.F.R. § 103.2(b)(3) requires that the translator certify his or her competence to translate from the foreign language to English, this error detracts from the already limited probative value of these letters.

A 1998 letter from [REDACTED] President of the Romanian Commercial Bank verifies that the petitioner worked with the bank as a "collaborator and a strategy and development counselor." [REDACTED] further states that "[b]y her research that has been scientifically based and performed with proficiency, [the petitioner] has proposed practical solutions and options, due to which both the profit and the position of the Romanian Commercial Bank have grown." [REDACTED] further states that his bank is "the most important banking operator in Romania." The record contains no evidence to corroborate these claims.

The petitioner also submitted two letters from former academic advisors [REDACTED] of the Trade Faculty at The Academy of Economic Studies in Bucharest and [REDACTED] of the State University of Oradea. Both professors praise the petitioner's skills and the value of her research. [REDACTED] states that the petitioner's doctoral thesis, "Marketing Research on the Romanian Banking Market," became a "corner stone in the evolution and development of the research in the Romanian banking marketing system," but provides no examples of how the petitioner's work influenced other researchers or banking professionals. Discussing the petitioner's undergraduate thesis, "Marketing Program at National Level for Saving Energy," [REDACTED] states "I have information that The Romanian Energetic Research Institute solicited her the [sic] paper to use her results and apply her solutions." However, the record contains no documentation from the Romanian Energetic Research Institute or other evidence to support this claim.

[REDACTED] Dean of Economic International Relations Faculty at the Christian University [REDACTED] in Bucharest also praises the petitioner as a graduate student, former teaching assistant and then lecturer. He lauds the petitioner as "one of the best young lecturers we ever have [sic]," but provides no examples of the impact of her work in her field outside of the university. Similarly, Georgeta Ilie, a lecturer in the same department, praises the petitioner's academic abilities, but does not substantively discuss her work, let alone its impact in her field.

Finally, the petitioner submitted a letter from her current supervisor [REDACTED] General Manager of the Ramada Plaza Hotel in West Hollywood, California. [REDACTED] confirms that the petitioner is employed by the hotel as a market research analyst and that her research is "extremely valuable for evaluating Ramada Plaza Hotel's presence on the market." Although he provides details about her work and states that she would be "an

extremely valuable asset for any company, [REDACTED] does not indicate that the petitioner's work has made a significant impact in her field beyond its direct benefit to the Ramada Plaza Hotel.

In sum, the letters attest to the petitioner's impressive academic experience in Romania and current value as an analyst for the Ramada Hotel in West Hollywood. The few claims regarding the impact of the petitioner's work on her field are unsubstantiated. Accordingly, the petitioner does not meet this criterion.

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

The director found that the petitioner met this criterion, but apparently did not fully examine the evidence. Mere publication of academic work is insufficient to satisfy this criterion. Frequent publication of research findings is inherent to success in the academe and does not necessarily indicate the sustained acclaim requisite to classification as an alien with extraordinary ability. Evidence of publications must be accompanied by documentation of consistent citation by independent experts or other proof that the alien's publications have had a significant impact in his field. The record in this case does not rise to this level. The petitioner submitted excerpts of twelve publications. Eight of these articles are papers that were presented at various conferences in her field. The record contains no evidence that the petitioner's publications have been cited by other experts or have otherwise had an impact in her field. Accordingly, the petitioner does not meet this criterion.

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

In counsel's letter accompanying the petition, he quoted this criterion in apparent error because he then listed evidence of the petitioner's awards and honors (relevant to the first criterion). Accordingly, the director did not discuss the petitioner's eligibility under this category. On appeal, the petitioner claims that she meets this criterion by virtue of her past work at the Christian University [REDACTED] in Bucharest, the General de Banque in Belgium, the Romanian Commercial Bank, and her recent work with the American Marketing Association (AMA) and the Ramada Plaza Hotel in West Hollywood, California. With the exception of the AMA, the petitioner refers to – and the record only contains – the aforementioned recommendation letters as relevant evidence.

To meet this criterion, a petitioner must establish the nature of the alien's 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 itself.

As discussed above under the fifth criterion, the petitioner was a lecturer in the Economic International Relations Faculty at the Christian University "Dimitrie Cantemir" in Bucharest. Dean Adascalitei lauds the petitioner as "one of the best young lecturers we ever have [sic]" and notes that the petitioner made other contributions to the department such as making the course schedule, evaluating student presentations for the Conference of Research Communications and serving on the examination commission for selecting a new faculty member (discussed above under the fourth criterion). While he clearly valued the petitioner's contributions to his department, Dean Adascalitei does not describe the petitioner as having a critical or leading role. The record also contains no independent evidence of the reputation of the department or the university. Georgeta Ilie, a lecturer at the Economic Relations Faculty, states that the petitioner "worked with great passion for several projects that have contributed to the success of our department within the University, as a united

scientific community with a high academic and professional profile,” but the record contains no independent evidence to support this claim.

Similarly insufficient is the evidence regarding the petitioner’s role at the Generale de Banque in Belgium. The record indicates that the petitioner conducted a three-month field study at the bank and that her research was presented to the bank’s management and executives. However, the record contains no evidence that the petitioner played a critical or leading role at the bank during her short stay. As discussed above under the fifth criterion, there is no evidence that the bank acted upon her research findings. The record is also devoid of any independent evidence that the Generale de Banque has a distinguished reputation.

The record is also insufficient to establish that the petitioner performed a leading or critical role for the Romanian Commercial Bank. As previously discussed, [REDACTED] letter claims that the profit and position of the bank grew due to the petitioner’s research and proposals. [REDACTED] lists the objectives of the petitioner’s research, but does not give any examples of how her work was specifically used by the bank in any critical or significant manner. The record also contains no corroborative evidence of [REDACTED] claim that his bank is the “most important banking operator in Romania.”

On appeal, the petitioner submitted a copy of a “Certificate of Appreciation” from the Southern California Chapter of the American Marketing Association (AMA) for the 2002-2003 term. The certificate was issued to the petitioner to “commend [her] efforts on the Academic Relations Committee.” The record contains no other documentation to explain the significance of this certificate. On its face, the certificate indicates only the appreciation of the petitioner’s contributions to one committee of one AMA chapter and is insufficient to establish that the petitioner performed a leading or critical role for the AMA (or the Southern California Chapter) or that the AMA has a distinguished reputation.

The evidence regarding the petitioner’s current role at the Ramada Hotel in West Hollywood is also insufficient to meet this criterion. The previously mentioned letter of the petitioner’s supervisor, [REDACTED] states that the petitioner’s “outstanding performance [has] definitely improved our hotel’s activity” and that she has “an extraordinary ability to adapt hotel’s information and offers to the specific needs of targeted segments.” However, when describing her role at the hotel, [REDACTED] states that the petitioner is “a valuable, dependable and a courteous member of the staff” and that she has developed “certain appreciated abilities in a very high professional manner.” [REDACTED] letter indicates that the petitioner has made valuable contributions to the hotel, but does not serve in a critical or leading role. In addition, [REDACTED] does not discuss and the record contains no evidence of the reputation of the Ramada Hotel in West Hollywood.

(ix) 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 did not claim eligibility under this criterion. However, the director noted that the petitioner’s proposed salary listed on her Form I-140 as \$43,648.80 did not appear to be an especially high rate of remuneration. The petitioner does not contest this determination on appeal.

An immigrant visa will be granted to an alien under section 203(b)(1)(A) of the Act only if the alien can establish extraordinary ability through extensive documentation of sustained national or international acclaim demonstrating that the alien has risen to the very top of his or her field. The evidence in this case indicates that

the petitioner was a successful academic in Romania and is now a valued market research analyst for a hotel in California. However, the record does not establish that she is an alien of extraordinary ability.

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.