



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: NEBRASKA SERVICE CENTER

Date: JUN 14 2007

LIN 05 235 54083

IN RE:

Petitioner:

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.

Naura Deatrick

Robert P. Wiemann, Chief
Administrative Appeals Office

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DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office 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. 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.

On appeal, counsel argues that the petitioner has satisfied at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

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 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 she has sustained national or international acclaim at the very top level.

This petition, filed on August 8, 2005, seeks to classify the petitioner as an alien with extraordinary ability as a business communication consultant.

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. We find that the petitioner's evidence satisfies the following three criteria.

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 or international distribution. An alien would not earn acclaim at the national or international level from a local publication.

The petitioner submitted articles about her appearing in professional publications such as [REDACTED] and [REDACTED]. The record includes supporting documentation showing that these publications have significant national distribution. Therefore, we find that the petitioner's evidence satisfies 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 submitted evidence of her authorship of scholarly articles appearing in professional publications such as the [REDACTED] and [REDACTED].

Therefore, we find that the petitioner's evidence satisfies this criterion.

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

The record adequately establishes that the Macquarie Graduate School of Management (MGSM) in Australia is an establishment with a distinguished reputation. For example, the record includes evidence reflecting that the Economist Intelligence Unit ranked MGSM as the top business school in Australia and Asia in 2003. The record further reflects that the petitioner performed in a leading or critical role as Director of MGSM's full-time Executive MBA Program where she was responsible for the "launch and design of the degree's structure and the marketing of the degree nationally and internationally." Interim Dean, MGSM, states: "[The petitioner] has been a leader and pioneer in the Graduate School of Management particularly over the last ten years."

In light of the above, we find that the petitioner meets this third criterion.

Accordingly, the petitioner has satisfied three of the regulatory criteria required for classification as an alien of extraordinary ability. Pursuant to the statute and regulations as they are currently constituted, the petitioner qualifies for the classification sought.

Beyond the evidence discussed above, the petitioner is a founder of the Coach House and the Spillane Institute, companies which offer programs to provide business executives with public presentation skills. Aside from business leaders, the petitioner's clients have included individuals such as [REDACTED], [REDACTED], and [REDACTED] of Great Britain. More recently, the petitioner was commissioned to write a speech that [REDACTED] of Jordan delivered to a joint session of the U.S. House of Representatives and Senate in March 2007. We note this more recent evidence despite the fact that it cannot be considered pursuant to *Matter of Katigbak*, 14 I&N Dec. 45 (Comm. 1971), in which Citizenship and Immigration Services (legacy INS) held that a petitioner must establish eligibility at the time of filing. Nevertheless, the petitioner's public communications work for the world leaders identified above and *Fortune* 500 companies (such as Hewlett Packard and Amgen) indicates that she has sustained national and international acclaim in her field and is consistent with our finding of eligibility.

In review, while not all of the evidence presented in this matter carries the weight imputed to it by counsel, the totality of the evidence establishes an overall pattern of sustained national and international acclaim and extraordinary ability in the field of public communications. 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 overcome the stated grounds for denial and thereby 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. Accordingly, the decision of the director denying the petition will be withdrawn and the petition will be approved.

ORDER: The appeal is sustained and the petition is approved.