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U.S. Department of Justice  
Immigration and Naturalization Service

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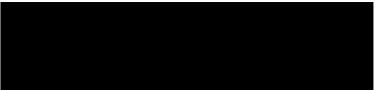
OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



FILE: WAC 00 255 53554 Office: California Service Center

Date: JUL 10 2002

IN RE: Petitioner:  
Beneficiary:



PETITION: Petition for Nonimmigrant Worker under Section 101(a)(15)(O)(i) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(O)(i)

IN BEHALF OF APPLICANT:



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 nonimmigrant visa petition was denied by the Acting Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a newspaper organization which seeks the services of the beneficiary as an O-1 nonimmigrant as the City Editor. His primary responsibility will be to manage and direct the operations of the Metro Section of the newspaper.

The acting director determined that the petitioner failed to establish that the beneficiary qualified as an alien of extraordinary ability and denied the petition accordingly.

On appeal, counsel submits a letter from the petitioner's editor which disputes the acting director's decision. The editor refers to a letter from Murray Burt, President of the Executive Committee of the Commonwealth Journalists Association, who describes the beneficiary as an "extraordinary journalist and top of his field." Mr. Burt's letter makes reference to statements made by other newspaper officials in Canada that (1) the beneficiary is a journalistic artist of exceptional ability and a rare talent; (2) the beneficiary was the team leader of the National Newspaper Award-winning team of reporters and editors which covered an airplane crash in 1989 and that this the equivalent of the Pulitzer Prize; and (3) the beneficiary was selected to receive the Award of Excellence for Outstanding Editorial Achievement by a panel of external judges from a pool of more than 250 writers.

Section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(O)(i), provides O-1 classification for a qualified alien in the sciences, arts, education, business, or athletics who has extraordinary ability demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field through extensive documentation, and who seeks to enter the United States to continue work in the area of extraordinary ability.

8 C.F.R. 214.2(o)(3)(i) and (iii) provide that an alien of extraordinary ability in the sciences, arts, education, business, or athletics must be coming to the United States to continue work in the area of extraordinary ability and must demonstrate sustained national or international acclaim and recognition for achievements in the field of expertise with evidentiary criteria such as:

(A) Receipt of a major internationally recognized award, such as the Nobel Prize; or

(B) At least three of the following forms of documentation:

(1) Documentation of the alien's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor;

(2) 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;

(3) Published material in professional or major trade publications or major media about the alien relating to the alien's work in the field for which classification is sought, which shall include the title, date, and author of such published material, and any necessary translation;

(4) Evidence of the alien's participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization to that for which the classification is sought;

(5) Evidence of the alien's original, scholarly, or business related contributions of major significance in the field; or

(6) Evidence of the alien's authorship of scholarly articles in the field, in professional journals, or other major media; or

(7) Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation;

(8) Evidence that the alien has either commanded a high salary or will command a high salary or other remuneration for services, evidenced by contracts or other reliable evidence.

The decision in each proceeding depends on the quality, as well as the quantity, of the petitioner's evidence and the number of criteria it purports to cover. Extraordinary ability in the field of science, education, business, or athletics means a level of expertise indicating that the person is one of the small percentage who have risen to the very top of the field of endeavor. 8 C.F.R. 214.2(o)(3)(ii).

The beneficiary is a citizen of Canada who is currently employed by the petitioner as a nonimmigrant intra-company transferee. He is performing services as the City Editor with an annual salary of \$60,000. As City Editor, the beneficiary will manage and direct operations and manage a staff of 24 journalists, including 3 city editors, 18 writers and a correspondent in Washington, D.C.

On appeal, counsel relies on the letter from the petitioner's executive editor and documentation already in the record which was

thoroughly reviewed by the acting director. The acting director stated that the sole award in the record containing the beneficiary's name is the Award of Excellence for outstanding editorial achievement of Winnipeg Free Press for local writing dated Quarter One, 1998. The record fails to establish that this award is the equivalent of a major internationally recognized award, such as the Nobel Prize as provided in 8 C.F.R. 214.2(o)(3)(iii).

The record also fails to establish that the documentation satisfies the requisite three of eight criteria for extraordinary ability in science, education, business, or athletics under 8 C.F.R. 214.2(o)(3)(iii)(B)(1)-(8).

Criterion 1 calls for evidence of a nationally or internationally recognized prize or award for excellence in the field of endeavor. Counsel and others in the record assert that the National Newspaper Award given to the team led by the beneficiary for its spot coverage of a 1989 incident equates to a Pulitzer Prize. Although the award may be equivalent to a Pulitzer Prize, the record fails to establish that the beneficiary earned the award solely on his own abilities rather than as part of a larger group. Earning an award as part of a larger group does not single out one specific member of that larger group as possessing extraordinary abilities. The award was given to the group for its combined effort and not to one specific individual. The local Award for Excellence earned by the beneficiary has not been shown to be an award of national or international scope. Therefore, the beneficiary has not met the requirements of criterion 1.

Criterion 3 calls for published material about the beneficiary, as found in professional and major trade publications or media relating to his work in the field for which classification is sought. The acting director noted that the résumés submitted were attestations from colleagues, peers, former co-workers and other distinguished experts in the beneficiary's field of endeavor. The record contains articles by the beneficiary. However, publications and media contain no reviews of the beneficiary's work.

Criterion 4 requires evidence of participation as a judge of the work of others in the same or allied field of specialization. The applicant's former employer indicates that the applicant participated as a judge for several years in the quarterly journalism awards program in Manitoba, Canada. Therefore, it is concluded that the beneficiary has satisfied the requirement at 8 C.F.R. 214.2(o)(3)(iii)(B)(4).

Criterion 5 credits the beneficiary's original scientific and scholarly contributions of major significance in the field. The record is devoid of evidence to establish that the beneficiary made original contributions of major significance. The record amply reflects the beneficiary's journalistic competence and dedication to his profession.

The statute exacts sustained national or international acclaim to vouchsafe extraordinary ability in the field. See section 101(a)(15)(O)(i) of the Act. The absence of extraordinary ability, as defined, prevents the O-1 classification of the beneficiary.

The burden of proof in these proceedings rests solely with the petitioner. See section 291 of the Act, 8 U.S.C. 1361. The petitioner did not sustain it.

**ORDER:** The appeal is dismissed.