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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: AUG 04 2009  
LIN 06 232 52383

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:



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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

*John F. Grissom*  
John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) 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 that the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, the petitioner argues that he meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3) and that the director applied incorrect standards in denying the petition.

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

U.S. Citizenship and Immigration Services (USCIS) and legacy Immigration and Naturalization Service (INS) have consistently recognized that Congress intended to set a very high standard for individuals seeking immigrant visas as aliens of extraordinary ability. *See* 56 Fed. Reg. 60897, 60898-99 (Nov. 29, 1991). 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 he has sustained national or international acclaim at the very top level.

This petition, filed on July 27, 2006, seeks to classify the petitioner as an alien with extraordinary ability as a journalist and/or anchor and/or reporter.

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, internationally 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. A petitioner, however, cannot establish eligibility for this classification merely by submitting evidence that simply relates to at least three criteria at 8 C.F.R. § 204.5(h)(3). In determining whether the petitioner meets a specific criterion, the evidence itself must be evaluated in terms of whether it is indicative of or consistent with sustained national or international acclaim. A lower evidentiary standard would not be consistent with the regulatory definition of "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).

As aforementioned, each petition must be adjudicated on its own merits under the statutory provisions and regulations which apply. Thus, the petitioner's eligibility will be evaluated under the regulatory criteria under 8 C.F.R. § 204.5(h)(3) relating to the immigrant classification as claimed by the petitioner.

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

The petitioner initially submitted the following as evidence for this criterion:

1. A certificate, dated April 4, 2005, from the Nepal Anchors Association for the Best National Anchors Award;
2. A certificate, dated November 24, 2004, from the TV Reporters Nepal for the Best Television Journalists Award;
3. A certificate, dated December 7, 2003, from His Majesty's Government, Nepal, for the Foremost Reporters' Award;
4. An award, dated December 12, 2003, from the National Press Club Nepal, for the National Reporters Award;
5. Personal pictures of the petitioner receiving various honors with handwritten captions;
6. A photograph of a letter of appreciation from the Nepalese Women Millennium Everest Expedition, dated Spring 2000;
7. A letter from the Nepali Jansampark Samiti, dated December 23, 2004, notifying the petitioner that he will be honored for his help on "various institutions program directed at the re-establishment of democracy" (certification page was separate from translation); and
8. A certificate from the Rotaract Club of Kathmandu, dated April 13, 2001, for completion of an Advanced Course of Master of Ceremony & Radio Journalism Training and for best grade on the final.

The petitioner's affidavit also stated that he submitted a letter from [REDACTED] dated 2005. However, this evidence could not be located in the petitioner's submission. In response to the Request For Evidence ("RFE"), the petitioner submitted the following evidence:

9. A letter, dated July 4, 2007, from Nepal Anchors Association, which stated that the Best National Anchors' Award is awarded annually to one person chosen "among hundreds of competitors" by a "team of experts;"
10. A letter, dated July 25, 2007, from a Program Producer of Nepal Television accompanied by his resume, which stated that "as far as I [he] know[s]" the petitioner was awarded the NTV Award in 2001, the Best National Anchors Award in 2005 and the National Reporters Award in 2003;
11. A letter, dated July 31, 2007, from a Senior Correspondent of Kantipur Daily accompanied by his resume, which also confirmed the petitioner's receipt of the same awards as in item 10;
12. A letter, dated August 2, 2007, from the Vice President of the National Press Club, Nepal, which stated that a National Reporters Award is selected annually with a cash prize of NRS \$25,000 by three members of the steering committee who are nominated by "highly respected and impartial professional figures;"
13. A letter, dated August 1, 2007, from a jury member of the National Reporters Award accompanied by his resume; and
14. A letter, dated September 8, 2007, from the President of the Reporters Club Nepal, which confirmed his award in 2003 of the National Reporters Award.

In his decision, dated August 20, 2008, the director found that the evidence was not sufficient to meet this criterion. On appeal, no new evidence for this criterion was provided. We agree with the director that the petitioner failed to establish that he has received lesser nationally or internationally recognized prizes or awards for excellence in his field of endeavor.

The petitioner failed to provide independent documentation that any of these alleged awards constitute nationally or internationally recognized prizes for excellence in the beneficiary's field, such as evidence regarding the awards' prestige, selection process or candidates that the beneficiary was competing against or some other evidence consistent with national or international acclaim at the very top of the field. The plain language of the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i) specifically requires that the beneficiary's awards be nationally or internationally *recognized* in the field of endeavor and places the burden on the petitioner to establish every element of this criterion. Aside from the actual awards or certificates, only recommendation letters were submitted to provide additional information regarding the awards. However, letters are not a substitute for objective evidence. Moreover, the letters only provide further information about two of the awards, the Best National Anchors Award and the Nepal Reporters Award. The letters fail to demonstrate specifically what makes these two awards prestigious. Further, these letters fail to describe the selection process including how the judges were selected to choose the recipients of the awards or their level of notoriety in Nepal. None of the evidence provides insight into the types of competitors that the petitioner was competing against in order to win these awards. The letters only indicate that there were hundreds of competitors for the Best National Anchors Award and the Nepal Reporters Award. In addition, items

6, 7 and 8 appear to be solely participation certificates, rather than prizes or awards. Lastly, the photographs referred to in item 5 provide little evidence in support of this criterion. Although the director may have overreached when requiring that the award be “the most prestigious in the country,” we concur with his ultimate conclusion that the petitioner failed to submit sufficient documentary evidence to establish the awards received are nationally or internationally recognized.

In light of the above, the petitioner has not established that he meets 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.*

The petitioner initially submitted the following evidence:

1. An identification card for TV Live, Nepal 1, that indicated that the petitioner was an assistant producer/anchor and that the card was issued in 2004;
2. An identification card for TV Live, Nepal 1, that indicated that the petitioner was a correspondent/anchor and that the card was issued in 2005;
3. A letter from the Former General Manager of Nepal TV and an Advisor of the Nepal Anchors and Journalists Association (“NAJA”), accompanied by his resume, which indicated that the petitioner was a founding member of NAJA;
4. An identification card from Image Metro that indicated that the petitioner was an anchor and that the card was valid until 2060 (dates not converted into Gregorian calendar);
5. An identification card from Image Channel, which designated the petitioner as a reporter and indicated that the card was valid until 2059 (dates not converted into Gregorian calendar);
6. A letter from the Federation of Nepalese Journalists (“FNJ”), dated April 15, 2008, indicating that the petitioner has been a member for eight years;
7. A press pass from the Himalaya Times that indicated that the petitioner was a reporter and that the pass was valid until 1997;
8. A letter from the Journalists Network Nepal, from the former president of FNJ, dated January 2, 2006, that indicated the petitioner was a representative of Journalists’ Network Nepal, among others;
9. A temporary press pass from the government of India as a correspondent for Nepal One TV, which indicated the card is valid until 2005;
10. A trade bulletin of FNJ with a summary translation which stated that the petitioner was a member; and
11. A letter from the General Secretary of the National Press Union, undated, confirming that the petitioner has been a member of the National Press Union for the last ten years.

In response to the RFE, the petitioner provided the following:

12. A letter, dated August 2, 2007, from [REDACTED], the President of FNJ accompanied by his resume, which confirmed that the petitioner became an FNJ member after fulfilling the two year requirement of reporting experience in national or international media;

13. A letter, dated January 3, 2005, from [REDACTED] the President of FNJ, thanking the petitioner for his involvement in FNJ and the policy and program committee; and
14. Another letter from the Former General Manager of Nepal TV and Advisor of NAJA (see item 3) accompanied by his resume, dated July 30, 2007, which again indicated that the petitioner was a founding member of NAJA, and a former board member of NAJA and that characterized the organization as one with more than 300 general members and as having “tremendous credibility among journalists.”

The director’s decision found that the petitioner failed to provide sufficient evidence regarding the membership qualifications for the organizations for which he claimed to belong. On appeal, no new evidence was provided. We agree with the director, finding also that the record lacks the evidence necessary to satisfy this criterion.

In order to demonstrate that membership in an association meets this criteria, 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, minimum education or experience, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion as such requirements do not constitute outstanding achievements. Further, the overall prestige of a given association is not determinative; the issue here is membership requirements rather than the association’s overall reputation.

None of the evidence in items 1, 2, 4, 5, 7 or 9 is consistent with membership in an organization. Items 1, 2, 4 and 5 appear to be identification cards indicating the petitioner was an employee of Nepal 1 and of Image Metro. There was no information provided to show that Nepal 1 or Image Metro were associations rather than businesses. Moreover, items 7 and 9 are press passes and do not denote membership in any organization.

Although the petitioner provides evidence that he is a member of NAJA, FNJ and the National Press Union, aside from item 10, all the evidence consists of only letters, rather than objective independent evidence. Nonetheless, item 10 is deficient because the complete document was not provided and only a summary translation was submitted, rather than a full translation as required by 8 C.F.R. § 103.2(b)(3). Moreover, the record lacks evidence to establish that outstanding achievements are required for membership in any of these three organizations. For example, no evidence was included (such as membership bylaws or official admission requirements) for any of these organizations to show that they require outstanding achievements of their members. Item 12 indicates that two years of reporting experience, either nationally or internationally, is required for membership in FNJ. However, such a requirement is very minimal and not consistent with an outstanding achievement.

The petitioner also failed to show that his membership to be selected as a member of FNJ or the National Press Union was judged by recognized national or international experts in the field. There was no evidence to indicate who judged his membership into either of these organizations. Moreover, as a purported founding member of NAJA, there was no evidence regarding how other members were judged within the organization after he began this association.

Accordingly, the petitioner has not established that he meets this criterion.

*Published material 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 from *The Telegraph Weekly*, dated July 27, 2005, entitled "It's all my dedication, skills and experience: Gautam Dahal." The article fails to include the author's name as required by the parameters of the regulation. In addition, the petitioner claims in his affidavit that he has submitted an article regarding his success in journalism from *Saptahik Aawaz*, dated June 20, 2006. The petitioner claims in his affidavit that *The Telegraph Weekly* and the *Saptahik Aawaz* are popular weekly newspapers in Nepal. However, no evidence to substantiate this claim was provided. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). Further, the petitioner also provided many articles that he wrote, which were not about him but, rather, were written by him.

The RFE requested evidence that illustrates the significance of the publications submitted. The petitioner's affidavit in response to the RFE argued that,

[his] anchoring, interview; investigative report and writing on the hot issues of contemporary political, social; literature and economic matter were extensively published in major electronic and print media.

In addition, in response to the RFE, the petitioner submitted many recommendation letters to confirm his articles, which were initially submitted, were published. However, the regulatory guidelines for this criterion require that the published material must be "about the alien." These articles were not about the petitioner but were written by him. They, therefore, fail to comply with the requirement that the published materials be about the alien.

Further, although most of the letters served to confirm the petitioner's involvement in providing contributing articles to various publications, one of the letters provided additional information that we considered. For example, a letter from the Press Council Nepal, dated August 2, 2007, indicated that *The Telegraph Weekly* and *Aawaj* weekly are "duly registered" publications in Nepal and "fall almost under grade 'A' according to the Audit Bureau of Circulation."

In general, in order for published material to meet this criterion, it must be primarily about the petitioner and, as stated in the regulation, 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 level from a local publication. Some

newspapers, such as the *New York Times*, nominally serve a particular locality but would qualify as major media because of significant national distribution, unlike small local community papers.<sup>1</sup>

The petitioner failed to submit evidence to establish that the articles submitted about him were published in a professional or major trade publication or other major media. Regional coverage or coverage in a publication read by only a small segment of a country's total population is not evidence of national or international acclaim. In the instant case, only two articles purportedly related to the petitioner and could be considered for this criterion. However, the only information we have regarding the sources of these articles, *The Telegraph Weekly* and *Aawaj* weekly, is that they are "duly registered" publications in Nepal and "fall almost under grade 'A' according to the Audit Bureau of Circulation." This information does not provide evidence that these publications have significant national or international distribution, or any other information to support that they should be considered professional or major trade publications, or another form of major media.

For all of the above stated reasons, the petitioner failed to establish that he 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.*

The petitioner initially submitted the following evidence:

1. An appreciation certificate, dated September 23, 2004, for the petitioner's service as a member of the judge committee to recommend the nominees for the National Reporters Award, 2004;
2. A letter from the chairman of the Reporter's Club of Nepal, which stated that the petitioner acted as the single judge in evaluating the Nepal Young TV Journalists Awards, 2003;
3. A summary translation of the *Naya Satmarg Monthly* issue for May/June 2003 in which the petitioner acted as editor, wherein only one page of the issue was submitted;
4. A summary translation of the *Sajha Smarika* bulletin, dated March 8, 2002, in which the petitioner acted as editor, wherein only two pages of the issue were submitted;
5. A summary translation of the *Memoir* publication, dated 2001, in which the petitioner acted as a writer and editor, wherein only two pages of the issue were submitted;
6. A summary translation of the *Ghumifiri Rumjatar*, a publication by a Nepal Youth Club, in which the petitioner acted as a writer and editor, wherein two pages of the publication were provided;
7. A summary translation of the *Naya Satmarg Monthly* issue for November/December 2001 in which the petitioner acted as editor and writer, wherein only one page of the issue was submitted;

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<sup>1</sup> 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, for instance, cannot serve to spread an individual's reputation outside of that county.

8. A synopsis of the almanac of contemporary Nepali persons, called *JP Foundation: An Introduction*, dated April 14, 2000, which the petitioner edited and submitted a single page as evidence;
9. A few pages from *Sangam*, written in English, a Rotract Club publication for its 6<sup>th</sup> installation ceremony 2001, published by the petitioner who provided four pages from it;
10. A summary translation of the *Naya Satmarg Monthly* issue for April/May 2003 in which the petitioner acted as editor, wherein only one page of the issue was submitted;
11. A letter from the Lion's Club indicating that it planned to publish a *Souvenir*, and appointed the petitioner to be an editor of it (the publication was not provided, just letter); and
12. A translated letter from the *National Sagarmatha Weekly* that indicated the petitioner would be a guest editor for two years, beginning in June of 2000. (The certification was separate from the translation.)

In his RFE, the director requested further information regarding the significance of the competitions that the petitioner judged. In response to the RFE, the following evidence was submitted:

13. A letter, dated August 2, 2007, from the Vice President of the National Press Club, Nepal, which confirmed the petitioner acted as one judge of three members of the steering committee for the National Reporters Award for 2004, who are considered "highly respected and impartial professional figures;"
14. A translated letter from \_\_\_\_\_ (accompanied by his resume), Chairman of the National News Agency, that gave the petitioner accolades for his talent in journalism, including his editing skills; (The certification was separate from the translation.)
15. A letter from \_\_\_\_\_, Chairman of the JP Foundation, which confirmed that the petitioner was an Executive Editor for the foundation and discussed his editorial capacity and ability to judge other writers;
16. A letter, dated July 25, 2007, from the Managing Director of Promoters Nepal, which confirmed that the petitioner worked for this production house for a year in 2004 as a script editor and was very talented;
17. A letter, dated July 26, 2007, from the Chairman of the Academy of Audio Visual Arts and Sciences (AAVAS)(accompanied by his resume), which stated that the petitioner worked at AAVAS as a script editor and producer, and that praised his abilities; and
18. A letter from the founding editor of Nepal Bani Weekly, \_\_\_\_\_ (accompanied by his resume), dated July 26, 2007, which stated that the petitioner worked under his "editorial leadership."

The director found that the petitioner failed to meet this criterion, and we agree. The regulation at 8 C.F.R. § 204.5(h)(3) provides that "a petition for an alien of extraordinary ability must be accompanied by evidence that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise." Evidence of the petitioner's participation as a judge must be evaluated in terms of these requirements. The weight given to evidence submitted to fulfill the criterion at 8 C.F.R. § 204.5(h)(3)(iv), therefore, depends on the extent to which such evidence demonstrates, reflects, or is consistent with sustained national or international acclaim at the very top of the alien's field of endeavor. A lower evidentiary standard

would not be consistent with the regulatory definition of “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). For example, judging a national competition for top journalists is of far greater probative value than judging a local competition for youth or novices.

The petitioner provided evidence regarding his service as a judge for the National Reporters Award in 2004 and for the Nepal Young Journalists Award in 2003. For both of these competitions, the record lacks evidence such as the level of prestige associated with judging the competitions, the requirements necessary to become a judge for them, the names of the journalists the petitioner evaluated and/or their levels of expertise and the prestige associated with judging such competitions. There was only minimal information provided in the form of a letter, item 13, which indicated that the petitioner was one of three judges who chose the National Reporters Award Winner in 2004. The letter generally describes the judges as being “nominated among the top brass journalists” and as “highly respected and impartial professional figures.” This evidence, which is not independent evidence, fails to provide any specificity regarding the competitions in which the petitioner judged.

Items 3 through 12 and items 14 through 18, all relate to the petitioner’s experience as an editor. For items 3, 4, 5, 6, 7, 8, 9, the petitioner failed to provide a complete copy of the original document. Moreover, only a summary translation was provided for items 3, 4, 5, 6, 7, 8 and 10, rather than a full translation as required by 8 C.F.R. § 103.2(b)(3). The reference letters that were submitted confirm the petitioner’s role as an editor on various publications and praise his talent as an editor. However, none of that evidence establishes the level of prestige associated with the petitioner being an editor of the publications. Moreover, many of the publications do not appear to be national publications, but rather publications for local organizations or small bulletins. As such, although the petitioner may have evaluated various writers to publish these newsletters and other publications, the record failed to provide support for the fact that these publications were national and prestigious publications and the writers who successfully submitted articles were professional writers with a high levels of expertise. The routine duties performed by the petitioner in his position as an editor are not indicative of this highly restrictive classification.

In light of the above, the petitioner has not established that he meets this criterion.

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

According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), an alien’s contributions must be not only original but of major significance. We must presume that the phrase “major significance” is not superfluous and, thus, that it has some meaning.

The petitioner, in his initial affidavit, claimed that “as a TV program producer, anchor, journalist and expert of the field [he] made the original, scientific and artistic contribution of major significance in my [his] field.” In order to support this claim, he provided various reference letters. In response to the RFE, additional recommendation letters were provided. Further, the petitioner argued in his affidavit in response to the RFE that “journalists work could be of major significance” and discussed

his experience in terms of where he has worked and that his expertise lies in print and electronic media.

In his decision, the director found that the petitioner failed to establish how the “petitioner’s articles and reports have thus far been of major significance to his field.” On appeal, counsel’s brief indicates that the many reports and newspaper articles, written by the petitioner, represent evidence for this criterion. Prior to appeal, such evidence was not utilized for this criterion. Counsel also argues that the petitioner’s articles have been published in “A” grade major media in Nepal and major publications, and therefore is of major significance. Additionally, counsel believes that the recommendation letters provide support for the claim that the petitioner’s articles have been of major significance in his field.

However, none of these letters indicate a specific contribution made by the petitioner. While they indicate his experience in Nepalese media, they fail to demonstrate specifically how the petitioner made a contribution of major significance in his field. Moreover, while reference letters can provide useful information about an alien’s qualifications or help in assigning weight to certain evidence, such letters are not a substitute for objective evidence of the alien’s achievements and recognition as required by the statute and regulations. The nonexistence of required evidence creates a presumption of ineligibility. 8 C.F.R. § 103.2(b)(2)(i). Further, the classification sought requires “extensive documentation” of sustained national or international acclaim. *See* section 203(b)(1)(A)(i) of the Act, 8 U.S.C. § 1153(b)(1)(A)(i), and 8 C.F.R. § 204.5(h)(3). The commentary for the proposed regulations implementing the statute provide that the “intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required” for lesser classifications. 56 Fed. Reg. 30703, 30704 (July 5, 1991). Primary evidence of achievements and recognition is of far greater probative value than the opinions of one’s professional acquaintances.

In addition, although the articles were not even addressed as pertaining to this criterion until the appeal, the articles themselves do not support the proposition that the petitioner has made a contribution of major significance. Moreover, the petitioner failed to provide complete translations of his articles as required by 8 C.F.R. § 103.2(b)(3) and only provided summary translations. Without the proper translations, the AAO cannot determine whether the evidence supports the petitioner’s claims and the actual content of the articles cannot be ascertained.

As discussed above, the petitioner has failed to establish how his work has influenced his field and to detail specifically what contribution he has made of major significance in his field. Accordingly, 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 initially provided many articles that he wrote which were published in magazines and weekly publications. The petitioner also submitted translations for each article, which he referred to as a “synopsis” in his affidavit. For two of the articles, however, he claimed that he provided a

“fully translated English version,” yet whether the translation is complete is unclear since these articles are still on the list of documents with a header indicating such articles are accompanied by a synopsis. In addition, as with each of the petitioner’s submissions, the petitioner provided a blanket certification page listing the documents that were certified. Pursuant to 8 C.F.R. § 103.2(b)(3), any document containing foreign language submitted to USCIS 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. The articles were accompanied by only partial English language translations and the individual translations were not certified by the translator as required by 8 C.F.R. § 103.2(b)(3). Without the proper certified translations, the AAO is unable to confirm the accuracy of the petitioner’s statements regarding his claimed published materials.

In his RFE, the director requested evidence to establish how the articles written for newspapers and magazines qualify as scholarly. In response to the RFE, the petitioner’s affidavit argued that the articles he wrote that were “published in different newspapers were scholarly because it was based on the research.” In addition, he provided various recommendation letters that he believed confirmed such publications were scholarly. However, the reference letters did not provide evidence to establish that the magazines and weekly publications in which the petitioner’s articles were published were scholarly or academic rather than journalistic and informative. Rather, the letters submitted on the petitioner’s behalf only confirmed that the petitioner’s articles were published. The record lacks evidence such as that the petitioner’s articles garnered attention from scholars. As writing articles is inherent to the journalism profession, simply performing ones regular duties within the profession is not evidence that the petitioner meets this highly restrictive classification. In addition, such recommendations cannot take the place of independent evidence. On appeal, this criterion was not claimed nor was any new evidence provided for it. Therefore, the petitioner failed to supplement the record to demonstrate that his articles qualify as scholarly.

Further, the record failed to prove that any of the petitioner’s articles were published in any professional or major trade publications, or other major media.

As such, the petitioner has not established that he meets this criterion.

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

The petitioner generally claimed that his role as a journalist was leading and critical and cited to the recommendation letters that he provided to substantiate these claims. In addition, the petitioner submitted two letters from the Former General Manager of Nepal Television, who confirmed that the petitioner was a founding member of NAJA and that he also represents several associations related to Nepalese electronic and print media such as FNJ and NAJA. However, his responsibilities as a founding member or as a representative for these various groups were not mentioned. In response to the RFE, the petitioner provided recommendation letters indicating that he is a leading journalist. No new evidence was provided on appeal.

In order to establish that the petitioner performed in a leading or critical role for an organization or establishment with a distinguished reputation, he must establish the nature of his role within the organization or establishment and its reputation. The position should also be of such significance that the alien's selection to fill the position, in and of itself, is indicative of or consistent with national or international acclaim. Although the petitioner provided evidence of his involvement as a founding member of NAJA or as a representative for other associations, he failed to show that such involvement is commensurate with a leading or critical role. Additionally, although many letters claimed that the petitioner played a leading role in Nepalese journalism, such letters failed to distinguish his career and his specific employment at various media agencies from others in his field.

The evidence further lacks proof that the organizations for which the petitioner served or was employed by had a "distinguished reputation." There was no independent evidence included regarding the background of the various media outlets and organizations for which the petitioner worked or their standing in the community or world.

As such, the petitioner has not established that he meets 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 initially submitted a letter from TN Acharya & Co., Chartered Accountants, dated April 9, 2006, which indicated that the petitioner's salary was "about 30 thousand US dollar." In his response to the RFE, the petitioner noted that his Immigrant Petition for Alien Worker ("Form I-140") contained incorrect information which stated that his salary was \$40,000 instead of \$30,000. The petitioner submitted another letter from Acharya & Co., Chartered Accountants, dated July 29, 2007, which stated that he was earning \$1,400 more per month in 2004 than other journalists in Nepal. This letter was accompanied by an annual audit report for 2004. A letter from TV Live was also submitted that indicated the petitioner's salary, which was characterized as "extraordinarily higher than the salary that other reporters are getting from this office." In addition, recommendation letters from the Center for Professional Journalism Studies and the Institute of Professional Journalism were submitted and indicated that these organizations have paid the petitioner at a higher rate because of the quality of his work.

In his decision, the director found that the evidence failed to establish that the beneficiary received a high remuneration for his services in relation to others in his field. We concur with the director. We also find that because a discrepancy exists between the petitioner's salary as claimed by petitioner and the letters from his accountant, and his salary as listed on the Form I-140, the petitioner should resolve such inconsistency with additional independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Moreover, the inconsistencies themselves arose from different claims made in the petition and brief. None of this evidence was supported by independent evidence, such as the beneficiary's tax returns. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of

proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

Moreover, the plain language of this regulatory criterion requires the petitioner to submit evidence that the beneficiary has commanded a high salary “in relation to others in the field.” The petitioner’s accountant, as well as two of his employers, claimed that the petitioner received a higher salary than other journalists. However, the source of these claims is unknown. Further, it is unclear who the petitioner was being compared to in order to make such a determination. There is no indication that the petitioner has earned a level of compensation that places him among the highest paid journalists in Nepal, the United States or any other country.

Accordingly, the petitioner does not meet this criterion.

In this case, the petitioner has failed to demonstrate receipt of a major, internationally recognized award, or that he meets at least three of the criteria at 8 C.F.R. § 204.5(h)(3).

Review of the record does not establish that the petitioner has distinguished himself 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 is not persuasive that the petitioner’s achievements set him significantly above almost all others in his field at the national or international level. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A)(i) of the Act and the petition may not be approved.

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.