

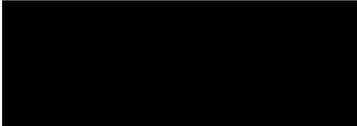
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U.S. Citizenship
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Services

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FILE:



EAC 03 052 50644

Office: VERMONT SERVICE CENTER

Date: APR 18 2005

IN RE:

Petitioner:



Beneficiary:

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:

SELF-REPRESENTED

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, Director
Administrative Appeals Office

- (iii) 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;
- (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 specialization for which classification is sought;
- (v) Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;
- (vi) Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media;
- (vii) Evidence of the display of the alien's work in the field at artistic exhibitions or showcases;
- (viii) Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation;
- (ix) Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field; or
- (x) Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.

It should be reiterated, however, that the petitioner must show that the beneficiary has sustained national or international acclaim at the very top level.

This petition seeks to classify the beneficiary as an alien with extraordinary ability as a boxer. 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, quoted above, 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. Initially, the petitioner submitted substantial documentation, including reference letters, awards, newspaper articles, and certificates of appointment.

On January 15, 2003, the director advised the petitioner of the ten criteria and requested evidence that the beneficiary meets at least three of those criteria. The director made no reference to the materials already submitted and did not identify any specific deficiency or request any clarification. The petitioner's response to this unhelpful request was, unsurprisingly, minimal. As stated above, the director concluded that the petitioner had not submitted any evidence that addresses the above criteria. This conclusion ignores the documentation submitted initially and constitutes reversible error.

The director dismissed the petitioner's 2001 World Championship Gold Medal because the petitioner won this medal at an amateur competition. One hundred twenty five boxers from 33 countries competed at this event. The director did not consider the petitioner's Gold Medal at the Asian Women's Boxing Championship in 2001, her first place finish at the National Women's Boxing Invitation Competition of the 1999 Fulande Cup or her

first place finish at the Women's Boxing Invitation Competition of the 1997 Pacific Insurance Cup. We note that amateurs compete at the Olympics. As such, we are not persuaded by the director's dismissal of the petitioner's awards based *solely* on the fact that amateurs competed.

The director's conclusion that the petitioner did not submit evidence relating to the above criteria ignores the certificate from the Committee of Physical Culture and Sports conferring the title of Second Degree Referee in Boxing, the petitioner's membership in the International Women's Boxing Federation (IWBF) and the numerous newspaper articles in the record. Most notable of the articles is a lengthy article solely about the petitioner and her boxing career published in the *China Sports Daily*, alleged to circulate throughout China.

Therefore, this matter will be remanded for consideration of all the evidence submitted. The director may want to consider whether there is any evidence that the petitioner actually served as a referee after being certified as one, whether the petitioner has established that IWBF requires outstanding achievements of its members, whether the petitioner has submitted *certified* translations as required by the regulation at 8 C.F.R. § 103.2(b)(3) and whether the petitioner has established the national circulation of the publications that have covered her. Any request for additional evidence should advise the petitioner of any specific deficiencies. As always in these proceedings, the burden of proof rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The director's decision is withdrawn. The petition is remanded to the director for further action in accordance with the foregoing and entry of a new decision which, if adverse to the petitioner, is to be certified to the Administrative Appeals Office for review.