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FILE: EAC 03 187 52629 Office: VERMONT SERVICE CENTER Date: 6-17-2003

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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Vermont 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 in the sciences. 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.

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 earned sustained national or international acclaim at the very top level.

This petition, filed on June 9, 2003, seeks to classify the petitioner as an alien with extraordinary ability as a biomedical researcher. At the time of filing, the petitioner was employed as a Visiting Postdoctoral Research Fellow in the Endocrinology and Reproduction Research Branch (ERRB), National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH).

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.

*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 showing that she serves on the Editorial Boards of *Clinical Pharmacology and Experimental Therapeutics of Asia* and the *Chinese Journal of Clinical Pharmacology and Therapeutics*. We find that the evidence presented is adequate to satisfy this criterion.

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

The petitioner provided several witness letters in support of the petition. We cite representative examples here.

Dr. [REDACTED] Chief, ERRB, NICHD, NIH, states:

[The petitioner] has been studying the signal transduction mechanisms involved in the enhancement of synaptic transmission and plasticity. Studies of these neural processes are essential to our understanding of the complex processes of learning and memory. [The petitioner] is responsible for several projects regarding the functional role of neurogranin, a brain-specific protein, in learning and memory, and its underlying signaling mechanisms. Using a line of genetically modified mice in which the neurogranin gene has been deleted, [the petitioner] has demonstrated a critical role of neurogranin in signal transduction mediated by protein kinase C and A, two enzymes that are known to be involved in learning and memory. She also found that the participation of N-methyl-D-aspartate-mediated phosphorylation and oxidation of neurogranin underlies . . . neuronal signaling in the hippocampus. An understanding of these biochemical processes is critical for developing new therapeutic approaches for the improvement of memory and treatments for patients with Alzheimer's disease.

Dr. [REDACTED] Head of CNRS Research Unit, Pasteur Institute, Paris, France, states:

[The petitioner] has made a significant contribution in the area by investigating molecular mechanisms involved in learning and memory and by testing many kinds of medicines in various animal models with cognitive defects. Specifically, she carried out extensive studies to investigate roles of Neurogranin, a substrate for postsynaptic protein kinase C (PKC), in cognitive function. Her work has demonstrated that neurogranin is involved in the modulation of postsynaptic PKC- and PKA-mediated signaling pathways and derangement of those signaling pathways in specific brain areas causes deficits in synaptic plasticity and learning and memory.

Dr. [REDACTED] Associate Professor of Pharmacology, University of Ferrara, Italy, states:

I am particularly interested in [the petitioner's] work on functional roles of protein kinases in signal transduction. She demonstrated the attenuation of protein kinase C and A signal transduction in neurogranin knockout mouse, and found that N-methyl-D-aspartate-mediated phosphorylation and

oxidation of neurogranin underlie calcium- and calicium/calmodulin-regulated neuronal signalings in the hippocampus. An understanding of these is critical for developing new therapeutic approaches . . . .

██████████ Chief Scientific Officer and President of Research, Adolor Corporation, states:

[The petitioner] has made significant progress . . . investigating the signal transduction mechanisms involved in the enhancement of synaptic transmission and plasticity. Furthermore, [the petitioner] has developed a radial-arm maze test to evaluate learning and memory performance in animals, which has now been generally used for drug research and development.

██████████ Associate Professor, Division of Neuropharmacology, Neurotec Department, Karolinska Institute, Stockholm, Sweden, states:

[The petitioner] has made a number of original and creative contributions of major significance to the field. I would like to highlight the most substantial one. . . . [The petitioner] demonstrated a critical role of neurogranin in signal transduction mediated by protein kinase C and protein kinase A, two enzymes known to be involved in learning and memory. . . . [The petitioner] also found that the phosphorylation and oxidation of neurogranin during synaptic transmission are important mechanisms involved in neuronal signaling in the hippocampus.

██████████ Associate Director, Department of Central Nervous System Clinical Research, Eisai Medical Research, Inc., states:

[The petitioner's] current work is focused on the involvement of neurogranin in synaptic transmission. She has demonstrated that protein kinase C and A signal transduction pathways are attenuated in neurogranin knockout mice. This work may lead to the discovery of a novel therapy for Alzheimer's Disease, since it has been reported that neurogranin level was reduced in some brain areas in patients with Alzheimer's Disease. This work has recently been published in the *Journal of Biological Chemistry* and has been widely cited by the peers in the area.

Publication, by itself, is not a strong indication of impact, because the act of publishing an article does not compel others to read it or absorb its influence. Yet publication can nevertheless provide a very persuasive and credible avenue for establishing outside reaction to the petitioner's work. If a given article in a prestigious journal (such as the *Proceedings of the National Academy of Sciences of the U.S.A.*) attracts the attention of other researchers, those researchers will cite the source article in their own published work, in much the same way that the petitioner herself has cited dozens of sources in her own articles. Numerous independent citations would provide firm evidence that other researchers have been influenced by the petitioner's work and are familiar with it. On appeal, the petitioner submitted citation indices showing an aggregate total of 144 cites to the petitioner's work. This large number of citations bolsters the witnesses' claims that the petitioner's findings are of major significance in the neuroscience field.

The record includes additional letters of support from researchers at NIH, the Chinese Academy of Medical Sciences, the University of Cincinnati Medical Center, and the University of California, San Diego. In this case, the record adequately demonstrates that the petitioner's contributions are important not only to the

research institutions where she has worked, but throughout the greater field. Scientific experts from around the world have acknowledged the value of the petitioner's work and its major significance to the scientific community. 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 several articles appearing in publications such as *Journal of Neurochemistry*, *The Journal of Biological Chemistry*, the *Federation of American Societies for Experimental Biology Journal*, the *Chinese Medical Journal*, *Acta Pharmacologica Sinica*, and the *Chinese Journal of Clinical Pharmacology and Therapeutics*.

As noted previously, the petitioner submitted evidence showing that her published articles are widely cited. When judging the influence and impact that the petitioner's published work has had, the very act of publication is not as reliable a gauge as is the citation history of the published works. Publication alone may serve as evidence of originality, but it is difficult to conclude that a published article is important or influential if there is little evidence that other researchers have relied upon the petitioner's findings. In this case, however, the unusually large number of cites to the petitioner's articles demonstrates widespread interest in, and reliance on, her work. We find that the petitioner's evidence is adequate to satisfy this 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.

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 neuroscience field. 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.