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**U.S. Citizenship
and Immigration
Services**

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FILE:



Office: VERMONT SERVICE CENTER

Date: JUN 16 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

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 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 in the arts. The director determined that the petitioner had not established the sustained national or international acclaim requisite to classification as an alien of extraordinary ability.

Section 203(b) of the Act states, in pertinent part:

(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.

The applicable regulation defines the statutory term "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). Specific supporting evidence must accompany the petition to document the "sustained national or international acclaim" that the statute requires. 8 C.F.R. § 204.5(h)(3). An alien can establish sustained national or international acclaim through evidence of a "one-time achievement (that is, a major, international recognized award)." *Id.* Absent such an award, an alien can establish the necessary sustained acclaim by meeting at least three of ten other regulatory criteria. *Id.*

In this case, the petitioner seeks classification as an alien with extraordinary ability in the arts as an editor, writer or research associate. The petitioner submitted her resume, a short biography of her professional accomplishments in China, eight recommendation letters, her professional certificate, two membership certificates, and copies of ten awards received in China. The director determined that the evidence was insufficient to demonstrate that the petitioner had garnered the requisite sustained acclaim and that the record did not establish that the petitioner sought to continue working in her field in the United States. On appeal, the petitioner submits a letter explaining her plans to work in the United States, two letters concerning awards she received in China, two additional recommendation letters and a photograph of some of the books she wrote or edited in China. Petitioner's claims and the additional evidence submitted on appeal do not overcome the substantive reasons for denial and we affirm the director's decision.

We first address the issue of the petitioner's intentions to continuing working in her field in the United States. To grant classification as an alien with extraordinary ability, Section 203(b)(1)(A)(ii) of the Act, 8 U.S.C. § 1153(b)(1)(A)(ii) requires that the petitioner establish that the alien seeks entry into the United States to continue working in his or her area of extraordinary ability. In this case, the petitioner's intentions are not clear. The record indicates that the petitioner was an author and editor of local chronicles in China. The petitioner's Form I-140 lists her proposed job title as "research associate" with a description as "edit books." In a personal statement submitted in response to the director's Request for Evidence (RFE), the petitioner stated that she "hope[s] to take advanced courses in the English language and eventually attend your university to receive more specialized education." She also explains that if the United States "needs a person with an educational background such as mine, then I will continue to work hard . . . as annals researcher to compile information. . . . Another one of my long term goals is to create a travel and leisure magazine that would capture the wonderful culture, the friendly people, and the remarkable attractions of the United States." [REDACTED] the petitioner's English tutor, initially submitted a letter attesting to the petitioner's diligence and success as an English student. The director found this evidence insufficient to establish that the petitioner would continue working in her field in the United States rather than continue her English language studies.

On appeal, the petitioner states "I understand the category I applied do [sic] not have the perquisite [sic] of establishing any potential employment in the United States. In fact, self employment is the most appropriate way for a person like me, a writer. I plan to write several books while staying in the United States. I am currently conducting researching [sic] and collecting necessary material for preparation." The petitioner also submits a second letter from [REDACTED] confirming that the petitioner's goal "is to write several books on the subject of Asian Americans in the United States." Although classification as an alien with extraordinary ability does not require a labor certification or documented employment offer, the statute does require the petitioner to establish that the alien will continue working in his or her field of expertise. The alien's stated intent alone is insufficient if that intent is not credible and supported by some evidence that the alien will actually be capable of continuing work in his or her field in the United States. According to [REDACTED] the petitioner has completed "Skill Book 2" in an English as a Second Language program. The evidence indicates that the petitioner intends to continue her English language studies for a significant period of time before she will write or conduct research in English. The record contains no evidence that the petitioner will alternatively be employed in the United States as an editor, writer, or researcher for publications in her native language of Chinese. Accordingly, the record does not sufficiently establish that the petitioner plans to continue working in her field as a research associate, editor or writer in the United States.

Although the director adequately considered the record in her decision, she did not specifically address the evidence submitted as it relates to each regulatory criterion. Thus we address the evidence submitted and the petitioner's claims in the following discussion of the regulatory criteria relevant to the petitioner's case.

(i) 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 copies of ten award certificates purportedly won by the petitioner in China. The certificates were not accompanied by English translations. The regulation requires that all documents in a foreign language submitted with a petition be accompanied by English translations certified by the translator to be complete and accurate. 8 C.F.R. § 103.2(b)(3). On appeal, the petitioner submits certified translations of documents relating to two awards. Consequently we can only consider these two documents. Because the

petitioner failed to submit certified translations of the other eight awards, we cannot determine whether they support her claimed eligibility under this criterion. *Id.*

The first letter submitted on appeal is dated August, 2003 and is addressed to the petitioner from the Institute of Humane Studies of National Academy of Management Sciences of China. The letter states that the petitioner's paper, "Discuss of the historical mission of modern metropolitan annals writers," was "selected to receive the First Class Award" in a competition entitled "National Outstanding Academic Research on Humane Studies Field." The letter explains that the Institute of Humane Studies of National Academy of Management Sciences of China conducts the competition "to call for excellent academic research papers from nationwide [sic]. . . The criteria for outstanding papers are: practical, grassroots, original and innovative." The letter states that honors will be granted in the classes of "Honorary Award; First Class Award; Second Class Award; Third Class Award and several Outstanding Prizes Awards." The appraisal committee includes the Director of the National Academy and a senior research fellow who is a UNESCO consular official "and other well known experts and scholars" The letter also states that papers receiving awards will be published in the "Collection of Outstanding Humane Study Research Papers" and that recipients of the third class award and above will be appointed as research fellows to the National Academy of Management Science of China. A letter from [REDACTED] chief editor of the *Heilong Jiang Chronicle Magazine*, confirms that the petitioner's award is a highly competitive, national honor in China.

The second letter submitted on appeal is dated January 10, 2004 and is from the Shenzhen Academy of Social Sciences. The letter invites the petitioner to attend the second annual "Conference on the Economic Development and WTO study in the Special Economic Zones of China" and give an oral presentation of her research. The letter also states that the petitioner's paper entitled "The Record Scope and Standard for Metropolitan Annals on Districts and Personages" was selected "to receive a 2nd class prize award for its excellence at the Awards Ceremony followed by the Conference. . . ." (emphasis in original). The letter does not state that the conference was national and does not include the criteria for awards. In addition, the record contains no evidence that the petitioner actually attended the conference and received this award.

The record thus contains sufficient documentation of only one award. The record also indicates that the petitioner worked in her field in China for more than 20 years. One national award over the course of a twenty-year career does not reflect sustained national acclaim. Accordingly, the petitioner does not meet this criterion.

(ii) 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 submitted photocopies of two membership certificates accompanied by uncertified translations. Without complete and certified translations of these documents, we cannot determine whether they support the petitioner's claim. *See* 8 C.F.R. § 103.2(b)(3). Moreover, the record contains no evidence that the associations of purported membership require outstanding achievements of their members. Consequently, the petitioner does not meet this criterion.

(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.

The petitioner submitted an uncertified translation of a short professional biography of her from what appears to be a directory of specialists in China although the source and title of the publication were not translated. Without a complete and certified translation of the original document in Chinese, we cannot determine whether this document supports the petitioner's claim. *See* 8 C.F.R. § 103.2(b)(3). The record also contains no documentation of the significance of this directory or evidence that it is a professional, major trade publication or other major media. Consequently, the petitioner does not meet this criterion.

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

The record contains ten recommendation letters. The English translations of letters written by five of the petitioner's Chinese colleagues are uncertified and we consequently cannot determine whether these letters support the petitioner's eligibility under this criterion. *Id.* Accordingly, we will only address the remaining five letters written by the petitioner's Chinese colleagues, experts in her field and her English teacher. We first note that while such letters may provide relevant information about an alien's experience and accomplishments, they cannot by themselves establish the alien's eligibility under this criterion because they do not demonstrate that the alien's work is of major significance in his or her field beyond the limited number of individuals with whom he or she has worked directly. Even when written by independent experts, recommendation letters solicited by an alien in support of an immigration petition carry less weight than preexisting evidence of major contributions that one would expect of an alien who has sustained national or international acclaim.

██████████ an editor of the *Ha Er Bin Annals* who worked with the petitioner for many years, confirms that the petitioner worked as an editor of local chronicle studies in China for over 20 years. He states that she has published many academic articles, some of which have received "national, provincial and city level awards." ██████████ concludes by opining that the petitioner is "a very innovative, conscientious, and hard-working individual She is broadly trained and has risen to the very top of the field in local chronicle history writing in China." ██████████ the Secretary General and Deputy Director of the Editorial Committee of Jiangsu Province Local and Urban Area Chronicle History, states that he is the petitioner's "colleague and friend." ██████████ lists three awards that the petitioner has won for her scholarly work and states that the awards "are considered national level and provincial level awards for her field. Therefore, she is a national expert and has made significant contributions to the field." ██████████ vice president of the Heilong Jiang local chronicles association in China, states that he became acquainted with the petitioner's work at scholarly conferences. As previously mentioned under the first criterion, ██████████ attests to the significance of the petitioner's award from the National Academy of Management Sciences of China. ██████████ also states that "[f]rom my review of her resume and other letters of support, I feel that she has made great contribution in her fields while she was in China."

While these letters all praise the petitioner's work on various publications and list awards that she has received, they do not identify any specific original contributions of major significance that the petitioner's work has made to her field in China. The aforementioned award from the National Academy of Management Sciences of China is the only corroborative evidence of the accomplishments heralded by the petitioner's recommenders. The letters do not substantively discuss the petitioner's awarded work or explain, for example, how the ideas or research documented in the petitioner's winning article have influenced others or advanced the field of local chronicle history in China. The record is thus devoid of any evidence that the petitioner's work has made original contributions of major significance to her field. Accordingly, the petitioner does not meet this criterion.

We note that on appeal the petitioner submitted an additional letter from her English teacher [REDACTED] who states that “[a]ccording to her resume and publication list, I believe [REDACTED] has reached to the very top of her field in her native China in local history editing and writing.” This letter is of little weight given the fact that [REDACTED] first letter explicitly stated that, as her English teacher, he could “make no comments on her abilities for the work that she did in China.”

(vi) Evidence of the alien’s authorship of scholarly articles in the field, in professional or major trade publications or other major media.

The record contains copies of some of the petitioner’s articles in Chinese. The articles are not translated. Without complete and certified translations of these documents, we cannot determine whether they support the petitioner’s claim. See 8 C.F.R. § 103.2(b)(3). Nevertheless, we note that frequent publication of scholarly articles is inherent to success as an established researcher and does not necessarily indicate the sustained acclaim requisite to classification as an alien with extraordinary ability. Evidence of publications must be accompanied by documentation of consistent citation by independent experts or other proof that the alien’s publications have had a significant impact in his or her field. The record in this case contains no evidence that other experts in her field have cited the petitioner’s work. We recognize that the petitioner has received a national award for one of her articles as discussed under the first and fifth criteria. However, the requisite sustained acclaim is not demonstrated by this one-time recognition of one article over the course of the petitioner’s 20-year career.

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

The record indicates that the petitioner was an administrator of the Office of Local Chronicles of Xiangfang District in Ha Er Bin city, China. Although some of the recommendation letters mention the petitioner’s accomplishments at this office, the record contains no evidence of the nature of the petitioner’s specific role, that she performed a leading or critical role for the office, or that the office had a distinguished reputation. Accordingly, the petitioner does not meet this criterion.

An immigrant visa will be granted to an alien under section 203(b)(1)(A) of the Act only if the alien can establish extraordinary ability through extensive documentation of sustained national or international acclaim demonstrating that the alien has risen to the very top of his or her field. The petitioner bears this substantial burden of proof. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner in this case has not sustained that burden. The evidence indicates that the petitioner was an accomplished editor and writer of local chronicles in China, but the record does not conclusively establish that she intends to continue working in this field in the United States. The record also does not demonstrate that the petitioner garnered the sustained national or international acclaim requisite to classification as an alien of extraordinary ability. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.