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FILE: LIN 03 206 51177 Office: NEBRASKA SERVICE CENTER Date: **JAN 20 2006**

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.

Mari Johnson

Robert P. Wiemann, Director
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 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 he has earned sustained national or international acclaim at the very top level.

This petition, filed on June 23, 2003, seeks to classify the petitioner as an alien with extraordinary ability in the field of chemistry. At the time of filing, the petitioner was working in the Department of Chemistry at Ohio State University.

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 he served in an editorial capacity and provided peer review services for a variety of scientific publications. We find that such evidence 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 submitted several letters of support.

[REDACTED] University of Southern California, states:

Starting with his research on heteropoly metallic complexes at Lanzhou University (1985-88), [the petitioner] showed that these fascinating molecules were catalytically active in the conversion of propyl alcohol to propylene, an industrially important chemical process. This fundamental research was followed up by a long period of productive work at the Henan College of Education (1988-2000), in which he rose rapidly through the ranks, from Lecturer to Associate Professor to Professor. While at Henan, [the petitioner] carried out pioneering research in several areas, including the use of chiral tetrahedral clusters as asymmetric catalysts.

* * *

[The petitioner's] research at Henan was interrupted in the period 1996-1999 when he returned to Lanzhou, this time to take up a research position at the prestigious Lanzhou Institute of Chemical Physics (run by the Chinese Academy of Sciences). It was there that [the petitioner] carried out his seminal research in several important areas of science. (1) First and foremost was his beautiful work on "butterfly-type" clusters: high-nuclearity molecules with potential applications in nanotechnology. Also investigated were: (2) Diyne-coordinated clusters, which have important applications as polymeric materials; (3) Alkyne and alkynyl complexes, which can be considered as useful models for small molecules chemisorbed onto a metallic surface; and (4) Asymmetric complexes that have important catalytic properties for the manufacture of chiral pharmaceutical products. Most of the papers from that period were published in first-class Western chemistry journals, which certainly helped to establish [the petitioner's] reputation in the international chemical community.

[REDACTED] Lanzhou Institute of Chemical Physics, Chinese Academy of Sciences, Lanzhou, China, states: "[The petitioner] was the first to discover the regioselectivity of metal fragment exchange reaction in linked tetrahedral cluster complexes. This finding is significant for constructing higher nuclearity hetero-nuclear cluster in well-defined dimensions and structure"

[REDACTED] University of British Columbia, Canada, offers a similar observation, stating:

[The petitioner] discovered for the first time the regioselectivity of metal fragment exchange in linked clusters. This discovery is important for the construction of higher nuclearity clusters, which is an active field of study with important applications in areas of catalysis and materials science. . . . These results can serve as a model to understand the chemistry of reactive intermediates that are obtained in catalytic reactions.

[REDACTED] Professor of Chemistry, Ohio State University, states:

[The petitioner] proved to be a very innovative scientist through a series of original contributions that demonstrated that he is an outstanding researcher at the top of his field. He discovered that metal fragment exchange is regioselectivity in linked cluster complexes. His work showed that a two coordination mode can exist in linked $\text{RuCo}_2(\text{CO})_{11}$ clusters in the solid state. [The petitioner] also synthesized and characterized a series of chiral tetrahedral cluster complexes.

[REDACTED] of the Laboratory of Surface Organometallic Chemistry, National Center of Scientific Research, Lyon, France, states:

Although I am not personally acquainted with [the petitioner], I am very much aware of his research efforts in organometallic chemistry and lanthanide chemistry related to catalysis in the formation of polymeric materials. I am well acquainted with his publications that relate to my own research interests in catalysis. [The petitioner's] research result in the Lanzhou University, China indicated that one of heteropoly complex is of fine activity in the catalytic reaction of propyl alcohol to propylene. The propylene is an important start material for polypropylene. [The petitioner's] research efforts at the Lanzhou Institute of Chemical Physics, Chinese Academy of Science afforded basic information on testing of asymmetric catalysis with only chiral tetrahedral metal cluster frameworks. The challenge of synthesizing an asymmetric catalyst with a chiral metal cluster framework was overcome and a series of chiral tetrahedral cluster complexes were characterized.

[REDACTED] and Endowed Chair in the Department of Chemistry and Biochemistry, University of Notre Dame, states:

[The petitioner's] original work on zirconium as well as lanthanide organohydroborate complexes is outstanding. First, it is innovative research of intrinsic value to the development of the field. Second, the work has immediate additional significance in the area of high-performance olefin polymerization catalysts. Further, he has contributed to a collaborative study of new type of bimetallic systems in which the properties of transition metals and lanthanides combine in a synergistic fashion to yield improved catalytic properties. Thus, on all three counts [the petitioner] has made substantial contributions

[REDACTED] of Chemistry, Zhengzhou University, China, states:

The most important one among many contributions [the petitioner] did in his research is that he found the regioselectivity of metal fragment exchange on metal clusters. This discovery makes "target

synthesis" for metal cluster possible and is considered as a breakthrough in the methodology of the synthesis of metal cluster because it is extremely difficult to control the formation of metal cluster.

[REDACTED] Bavarian Academy of Sciences and Professor Emeritus of the University of Munich, states: "The petitioner] has made significant contribution to the chemistry of metallocene and to the chemistry of lanthanide elements. In particular, he has found a method to activate C-H bonds by complexes of zirconium, reactions that are very useful in organic synthesis."

[REDACTED] Emeritus at the University of Utah, states:

Although I am not personally acquainted with [the petitioner], I am very much aware of his accomplishments in the area of organometallic chemistry related to catalysis. His work has been published in journals which impose very high standards on contributions. He has established a strong international reputation through these very significant, seminal publications.

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 himself has cited sources in his own articles. Numerous independent citations would provide solid evidence that other researchers have been influenced by the petitioner's work and are familiar with it. In this case, the petitioner submitted evidence indicating an aggregate of more than 100 cites to his published work. This unusually large number of citations bolsters the witnesses' claims that the petitioner's findings are of major significance in the organometallic chemistry field.

The record includes additional letters of support from researchers at the Massachusetts Institute of Technology, the University of Missouri - St. Louis, Northern Illinois University, and UOP, a company specializing in providing catalysts and process technology to the chemical and refining industries. We find that the record adequately demonstrates the petitioner's contributions are important not only to the research institutions where he has worked, but throughout the greater field. Leading scientists 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 his authorship of articles appearing in publications such as *Journal of the American Chemical Society*, *Organometallics*, *Inorganic Chemistry*, *Journal of Chemical Research*, and *Journal of Organometallic Chemistry*. The petitioner also submitted copies of numerous articles that cite his work.

In his second [REDACTED] "[The petitioner] has already published more than 40 papers in top-rated international journals Furthermore, his research work has been cited more than 100 times over a span of

only the last five years (1999-2004). This is an amazingly high citation rate, much better than many independent researchers who have established themselves in this area.”

As noted previously, the petitioner submitted evidence showing that his 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, his 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 the petitioner, the totality of the evidence establishes an overall pattern of sustained national and international acclaim and extraordinary ability in the organometallic chemistry field. The petitioner has also established that he seeks to continue working in the same field in the United States and that his 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.