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U.S. Citizenship
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[REDACTED]

FILE:

[REDACTED]

EAC 05 171 50982

Office: VERMONT SERVICE CENTER

Date: NOV 02 2006

IN RE:

Petitioner:

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:

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.

A handwritten signature in cursive script, appearing to read "Mauri Johnson".

2 Robert P. Wiemann, Chief
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 (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 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):

Initial evidence: 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. Such evidence shall include evidence of a one-time achievement (that is, a major, internationally recognized award), or at least three of the following:

(i) Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;

(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;

- (iii) Published materials 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 specification 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.

This petition, filed on May 23, 2005, seeks to classify the petitioner as an alien with extraordinary ability in accounting and finance. In support of the petition, the petitioner submitted documentation reflecting that he is a full-time student at the Kingsborough Community College English Language Institute, an "Education Course Diploma" issued in 1998 by the Director of Police for the municipality of Buyuksehir in Turkey, an "Official Identity Card," a birth certificate, and a political science diploma issued by the University of Istanbul on November 20, 2000. This evidence, however, was not sufficient to demonstrate the petitioner's sustained national or international acclaim, or that his achievements have been recognized in his field of expertise.

On July 29, 2005, the director issued a notice requesting that the petitioner submit evidence pertaining to the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

The petitioner responded by submitting a letter from [REDACTED] Owner, Europort, Inc. stating that his company would hire the petitioner is an accountant once he received authorization for a work permit. The petitioner also submitted an employment verification letter from the "Director of Accountancy" of the municipality of Gaziosmanpasa, Turkey.

On January 11, 2006, the director denied the petition, finding that the petitioner's evidence did not satisfy any of the criteria at 8 C.F.R. § 204.5(h)(3).

On appeal, the petitioner submits a certificate from the County College of Morris stating that the petitioner successfully completed a course entitled "English Conversational Skills – Intermediate Level" and a copy of his academic transcript from the University of Istanbul. The petitioner also resubmitted the employment verification letter from the "Director of Accountancy" of the municipality of Gaziosmanpasa, Turkey. The preceding evidence, however, does not relate to the petitioner's eligibility under any of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

The petitioner states:

I . . . have a B.A. in Political Science Finance Department from the University of Istanbul. As a part of my studies included were Finance, Accounting, as well as Economics [sic]. Also I have gained experience in these fields working in Istanbul's Gaziosmanpasa City's accountant in a government bureau of municipality accounting Department as well as an accountant for two smaller businesses [sic]. After arriving in the United States I pursued to further my education by studying English at Morris County College and Kingsborough Community College. Now I am in pursuit of a professional career in the accounting job or finance sector however I require a work permit.

The petitioner's appellate submission was unaccompanied by arguments or evidence that specifically challenge the director's analysis of the evidence.

In this case, the petitioner has failed to demonstrate his receipt of a major internationally recognized award, or that he meets at least three of the criteria that must be satisfied to establish the sustained national or international acclaim necessary to qualify as an alien of extraordinary ability.

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) of the Act and the petition may not be approved.

The burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.