



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
LIN 07 001 50450

Office: NEBRASKA SERVICE CENTER

Date: MAR 06 2008

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:

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, Chief
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 (AAO) on appeal. The appeal will be dismissed with a finding of fraud and material misrepresentation.

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 the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability. The director also found the petitioner had not demonstrated that he seeks to continue working in his field of expertise in the United States.

On January 8, 2008, in accordance with the regulation at 8 C.F.R. § 103.2(b)(16)(i), this office issued a notice advising the petitioner of derogatory information indicating that he submitted falsified material in support of his petition. The notice specifically observed that the petitioner signed the Form I-140, thereby certifying under penalty of perjury that “this petition and the evidence submitted with it are all true and correct.”

Regarding the fraudulent documentation, the AAO’s notice stated:

8 C.F.R. § 204.5(h)(3)(i) calls for documentation of the alien’s receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. In response to the director’s notice of intent to deny, you submitted what is alleged to be an award certificate presented to you by the Qi Shu Fang Peking Opera Company dated December 1, 2002. After further investigation, it has been determined that this award certificate is a falsification. The AAO submitted a copy of your award to the Qi Shu Fang Peking Opera Company for confirmation of its authenticity. In its December 14, 2007 response to the AAO, the Qi Shu Fang Peking Opera Company stated that it “has never issued an award” to you. By submitting a falsified award certificate, it appears you have sought to obtain a visa by fraud and willful misrepresentation of a material fact.

8 C.F.R. § 204.5(h)(3)(ii) calls for 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. In support of the petition, you submitted what is alleged to be your membership card for the Sichuan Peking Opera Company. This membership card lists your age as 19 years old and bears an issue date of May 8, 2000. The record, however, reflects that you were born on November 2, 1981. As of May 8, 2000, the issue date of this membership card, you were age 18 not age 19. With regard to this inconsistency and your submission of a falsified award certificate, it is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Doubt cast on any aspect of the petitioner’s proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Id.* at 591.

