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U.S. Citizenship  
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FILE:

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Office: NEBRASKA SERVICE CENTER

Date: MAR 04 2009

IN RE:

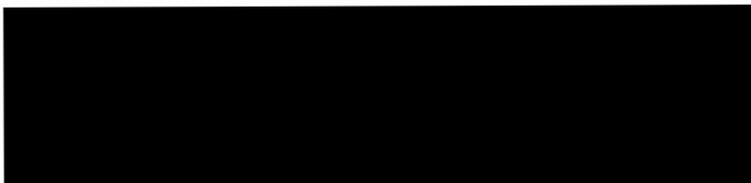
Petitioner:

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:



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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

  
John F. Grissom, Acting 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 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.

On appeal, the petitioner argues that he meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

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 into the United States will substantially benefit prospectively the United States.

U.S. Citizenship and Immigration Services (USCIS) and legacy Immigration and Naturalization Service (INS) have consistently recognized that Congress intended to set a very high standard for individuals seeking immigrant visas as aliens of extraordinary ability. *See* 56 Fed. Reg. 60897, 60898-99 (Nov. 29, 1991). 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 sustained national or international acclaim at the very top level.

This petition, filed on September 30, 2005, seeks to classify the petitioner as an alien with extraordinary ability in the field of mathematics. More specifically, the petitioner's work focuses on

complex analysis and Operator Theory. At the time of filing, the petitioner was working as an Assistant Professor in the Department of Mathematics at the State University of New York.

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, internationally recognized award). Barring the alien's receipt of a major internationally recognized award, the regulation at 8 C.F.R. § 204.5(h)(3) 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 meets at least three of the regulatory 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 reviewed multiple papers submitted for publication in *Mathematical Reviews*, *International Journal of Mathematics and Mathematical Sciences*, *Complex Variables Theory and Applications*, *Journal of Mathematic Analysis and Applications*, *Glasgow Mathematical Journal*, and *Science in China*. In light of his review of numerous research papers submitted for publication in several journals, the petitioner has established that he meets 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 discussing his mathematical contributions. We cite representative examples here.

Professor of Mathematics, University of Virginia, states:

[The petitioner] mastered superior skills in analysis, which led him to his creation of  $Q_p$  spaces. These spaces generalize such classical function spaces as Bloch space and the space of analytic functions of bounded mean oscillation (BMOA). Since the  $Q_p$  spaces were first named by [the petitioner] and his colleagues, there have been more than 80 academic publications dealing with these spaces, making this an important new growth area in classical mathematics.

Professor of Mathematics, Aristotle University of Thessaloniki, Greece, states:

[The petitioner's] research has influenced to a large exten[t] the direction of research in Function Spaces in the last ten years. In his 1995 ground breaking paper . . . he and his collaborators have discovered a chain of new and unexpected spaces of analytical functions. Immediately after this publication there was an explosion of research into this new class of spaces from leading mathematicians from all over the world . . . .

Professor of Mathematics, University of Michigan, states:

[The petitioner's] distinguished contributions to the field of complex analysis and operator theory include, for example, introducing and developing properties of new spaces of analytic functions such as  $Q_p$  spaces and the more general spaces  $F(p,q,s)$ , introducing the concept of logarithmic Carleson measures, characterizing components of the space of composition operators on the space of bounded analytic functions of bounded mean oscillation, and characterizing bounded and compact weighted composition operators on the Bloch space and weighted Bergman spaces. All of these works are original and highly creative, and have attracted numerous followers. To make so many important contributions requires a broad view of mathematics as well as extraordinary skill in finding and solving problems. Clear evidence of the impact and influence of [the petitioner's] work is the extremely high citation rate for his research papers. So far his 42 research papers have been cited almost 300 times.

In support of the preceding experts' statements, the petitioner submitted documentation showing scores of independent cites to his published findings. These citations are solid evidence that other mathematical researchers have been influenced by the petitioner's work and are familiar with it. This large number of citations corroborates the experts' statements that the petitioner has made original contributions of major significance in his field. The record reflects that the petitioner's mathematical contributions are important not only to the institutions where he has worked, but throughout the greater field as well. Leading experts from around the world have acknowledged the value of the petitioner's work and its major significance to his field.

In light of the above, the petitioner has established that he meets 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 numerous articles in publications such as *Transactions of the American Mathematical Society*, *Journal of Mathematical Analysis and Applications*, *Acta Mathematica Scientia*, *Journal of Mathematical Analysis and Applications*, *Pacific Journal of Mathematics*, *Canadian Journal of Mathematics*, and *Bulletin of the Australian Mathematical Society*. The petitioner also submitted evidence of scores of articles that cite to his work. These numerous citations demonstrate the significance of the petitioner's articles to his field. As such, we concur with the director's finding that the petitioner meets this regulatory criterion.

In this case, the petitioner has satisfied three of the regulatory criteria required for classification as an alien of extraordinary ability. Pursuant to the statute and regulations, the petitioner qualifies for classification sought.

In review, while not all of the petitioner's evidence carries the weight imputed to it by counsel, the totality of the evidence establishes an overall pattern of sustained national acclaim and extraordinary ability. 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 immigrant classification under section 203(b)(1)(A) 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.