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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

B2

[redacted]

FILE: [redacted] Office: TEXAS SERVICE CENTER Date: DEC 14 2010

IN RE: Petitioner: [redacted]
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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 $630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Marc Johnson

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification as an "alien of extraordinary ability" in education, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A).[1] The director determined that the petitioner had not established the requisite extraordinary ability through extensive documentation and sustained national or international acclaim.

Congress set a very high benchmark for aliens of extraordinary ability by requiring through the statute that the petitioner demonstrate the alien's "sustained national or international acclaim" and present "extensive documentation" of the alien's achievements. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(3). The implementing regulation at 8 C.F.R. § 204.5(h)(3) states that an alien can establish sustained national or international acclaim through evidence of a one-time achievement of a major, internationally recognized award. Absent the receipt of such an award, the regulation outlines ten categories of specific objective evidence. 8 C.F.R. § 204.5(h)(3)(i) through (x). The petitioner must submit qualifying evidence under at least three of the ten regulatory categories of evidence to establish the basic eligibility requirements.

On appeal, the petitioner argues that she meets at least three of the ten regulatory categories of evidence at 8 C.F.R. § 204.5(h)(3). For the reasons discussed below, we uphold the director's ultimate conclusion that the petitioner has not established her eligibility for the exclusive classification sought.

I. Law

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

[1] According to information on the Form I-140, Immigrant Petition for Alien Worker, the petitioner was last admitted to the United States in February 2008 as a B-2 nonimmigrant visitor. Her authorized period of stay expired on August 8, 2008.

(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* H.R. 723 101st Cong., 2d Sess. 59 (1990); 56 Fed. Reg. 60897, 60898-99 (Nov. 29, 1991). The term "extraordinary ability" refers only to those individuals in that small percentage who have risen to the very top of the field of endeavor. *Id.* and 8 C.F.R. § 204.5(h)(2).

The regulation at 8 C.F.R. § 204.5(h)(3) requires that an alien demonstrate his or her sustained acclaim and the recognition of his or her achievements in the field. Such acclaim and achievements must be established either through evidence of a one-time achievement (that is, a major, international recognized award) or through meeting at least three of the following ten categories of evidence:

(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 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;

(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 specialization 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.

In 2010, the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit) reviewed the denial of a petition filed under this classification. *Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010). Although the court upheld the AAO's decision to deny the petition, the court took issue with the AAO's evaluation of evidence submitted to meet a given evidentiary criterion.[2] With respect to the criteria at 8 C.F.R. § 204.5(h)(3)(iv) and (vi), the court concluded that while USCIS may have raised legitimate concerns about the significance of the evidence submitted to meet those two criteria, those concerns should have been raised in a subsequent "final merits determination." *Id.* at 1121-22.

The court stated that the AAO's evaluation rested on an improper understanding of the regulations. Instead of parsing the significance of evidence as part of the initial inquiry, the court stated that "the proper procedure is to count the types of evidence provided (which the AAO did)," and if the petitioner failed to submit sufficient evidence, "the proper conclusion is that the applicant has failed to satisfy the regulatory requirement of three types of evidence (as the AAO concluded)." *Id.* at 1122 (citing to 8 C.F.R. § 204.5(h)(3)). The court also explained the "final merits determination" as the corollary to this procedure:

> If a petitioner has submitted the requisite evidence, USCIS determines whether the evidence demonstrates both a "level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the[ir] field of endeavor," 8 C.F.R. § 204.5(h)(2), and "that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise." 8 C.F.R. § 204.5(h)(3). Only aliens whose achievements have garnered "sustained national or international acclaim" are eligible for an "extraordinary ability" visa. 8 U.S.C. § 1153(b)(1)(A)(i).

Id. at 1119-1120.

Thus, *Kazarian* sets forth a two-part approach where the evidence is first counted and then considered in the context of a final merits determination. In reviewing Service Center decisions, the AAO will apply the test set forth in *Kazarian*. As the AAO maintains *de novo* review, the AAO will conduct a new analysis if the director reached his or her conclusion by using a one-step analysis rather than the two-step analysis dictated by the *Kazarian* court. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd*, 345 F.3d 683 (9th Cir. 2003); *see also Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004) (noting that the AAO conducts appellate review on a *de novo* basis).

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[2] Specifically, the court stated that the AAO had unilaterally imposed novel substantive or evidentiary requirements beyond those set forth in the regulations at 8 C.F.R. § 204.5(h)(3)(iv) and 8 C.F.R. § 204.5(h)(3)(vi).

II. Analysis

A. Evidentiary Criteria

This petition, filed on April 14, 2008, seeks to classify the petitioner as an alien with extraordinary ability as a researcher historian, political scientist, and educator. At the time of filing, the petitioner submitted an employment verification letter stating that she has worked as "an associate professor at the since September 1, 2006. The petitioner has submitted evidence pertaining to the following categories of evidence at 8 C.F.R. § 204.5(h)(3).[3]

> *Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.*

The petitioner submitted a July 18, 2006 letter from stating:

> [The petitioner] has been awarded a Course Development Competition grant from the Curriculum Resource Center of the Central European University in Budapest, Hungary. The Grant was given for the development of a new University course during the 2003-2004 academic year and included two training workshops, in Course Design and Teaching Methodology.

The petitioner also submitted an August 21, 2003 letter addressed to her from Director, CRC, Central European University, stating that the CRC selected her project "to receive a Course Development Competition Grant in the amount of $3050 . . . for the period of August, 2003 through July, 2004."

The petitioner's initial submission also included a June 21, 2006 letter addressed to her from stating that the CRC selected her project "to receive a Course Development Competition Grant in the amount of $4550 . . . for the period of September, 2006 through June, 2007."

In response to the director's request for evidence, the petitioner submitted the Course Development Competition "Program Description" and "Call for Proposals 2007" from the CRC's website. The Program Description states:

> The Course Development Competition is intended to encourage faculty from Eastern Europe, Southeastern Europe, the former Soviet Union and Mongolia to develop and introduce new university courses at their institutions. Applicants are invited to prepare a one or two semester long course in the discipline areas listed in our call for proposals. Proposed courses should be innovative in content, methodology and teaching approach.

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[3] The petitioner does not claim to meet or submit evidence relating to the categories of evidence not discussed in this decision.

The mission of the program is to contribute to the development of higher education in the regions mentioned above by increasing academics' capacity to introduce innovative, regionally relevant courses, modern teaching approaches and new academic areas in the curricula of their home universities.

The competition is open to individuals and groups for 10 month grants, which include monthly individual stipends, an allowance for book purchases, teaching materials, photocopying, etc., as well as additional travel costs and administrative expenses in the case of group grants.

The yearly call for proposals is announced each year in September/October. CDC grantees are selected through a competitive application process. All grantees are required to participate in two training workshops on course design and teaching methodology. The course development budget proposals are negotiated individually before the first workshop or during grantees' first visit to Budapest.

The Course Development Competition "Call for Proposals 2007" states:

Eligibility

Application is restricted to resident citizens of the non EU member states in Eastern- and Southeastern Europe, the Former Soviet Union and Mongolia who are teaching at a university in any country of this region. Citizens of new EU member states are eligible only if:

- they propose courses on Roma related issues.
- they participate in group projects with colleagues from non-EU countries (in fact such collaborative proposals are strongly encouraged). In such group projects the group leader must come from the non-EU country.

* * *

Requirements for applicants

All applicants should show how they intend to apply new teaching methodology to delivering the course.

- Project proposals should demonstrate the following:
- potential to contribute to curriculum reform at host departments
- innovative character and approach
- potential of being incorporated into the university curriculum for longer term
- relevance to regional or global issues
- scientific quality in the selected field

- feasibility

Requirements for grantees

1. At the end of their grant period, all grantees (groups) are expected to submit a final syllabus for the new course they have developed and taught, together with a final financial report. . . .
2. All accepted applicants are required to attend two modular workshops: one workshop at the beginning of their grant period, (focusing on issues regarding course design, assessment evaluation and course portfolio), and another before their teaching period (covering matters regarding course implementation and evaluation). The exact dates will be confirmed and announced later for selected applicants.
3. Production of Course Portfolio . . . .

The preceding information indicates that "[a]ll grantees are required to participate in two training workshops on course design and teaching methodology." Further, we cannot conclude that demonstrating a proposed educational course's *potential* to contribute to curriculum reform at host departments, innovative character and approach, *potential* of being incorporated into the university curriculum for longer term, relevance to regional or global issues, scientific quality in the selected field, and feasibility constitutes excellent achievement in the field of endeavor.

The petitioner's response to the director's request for evidence included a July 23, 2006 letter from [redacted], stating that in 1999 the petitioner "was given a grant of 2,156.00 USD according to the Higher Education Support Program to carry out project – "Course of Lecturers in Political Science." The record does not include evidence from the Open Society Georgia Foundation providing information regarding the significance of the preceding grant.

With regard to the project grants the petitioner received from the CRC and the Open Society Georgia Foundation, we note that these grants simply funded her development of the proposed university courses. Every researcher or educator, of which there are hundreds of thousands, receives funding from somewhere. Obviously the potential, quality, and feasibility of the proposed project are a factor in grant funding. The funding institution has to be assured that the proposed course will be of some benefit to the applicant's university. Nevertheless, a course development grant is principally designed to fund future work, and not to recognize past excellence in the field of endeavor. While the petitioner has received financial support and training for developing various university courses, such educational grants do not equate to nationally or internationally recognized prizes or awards for excellence in political science, history, or education.

In light of the above, the petitioner has not established that she meets this criterion.

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 order to demonstrate that membership in an association meets this criterion, a petitioner must show that the association requires outstanding achievement as an essential condition for admission to membership. Membership requirements based on employment or activity in a given field, minimum education or experience, standardized test scores, grade point average, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion as such requirements do not constitute outstanding achievements. Further, the overall prestige of a given association is not determinative; the issue here is membership requirements rather than the association's overall reputation.

The petitioner submitted a March 8, 2008 letter from stating: "This letter is to confirm that [the petitioner] is a member of the The petitioner also submitted documentation showing that she is a "Developing World Member" of the American Political Science Association (APSA) and that she participated in the APSA's 2008 Teaching & Learning Conference. The program book for the APSA's 2008 conference identifies the petitioner as "Not Presenting." In response to the director's request for evidence, the petitioner submitted an August 14, 2008 letter from , stating that the petitioner "joined over 300 colleagues ... on February 22nd to 24th at the fifth annual APSA Conference on Teaching and Learning in Political Science" and that she submitted a paper entitled "Simulation in teaching democratic values and citizenship in the Civic Engagement Track." letter does not specify the APSA's membership requirements. In this case, there is no evidence (such as bylaws or official rules of admission) showing that the APSA and the Faculty Academic Council require outstanding achievements of their members, as judged by recognized national or international experts in her field. Accordingly, the petitioner has not established that she meets this criterion.

> *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.*

In general, in order for published material to meet this criterion, it must be primarily about the petitioner and, as stated in the regulations, be printed in professional or major trade publications or other major media. To qualify as major media, the publication should have significant national or international distribution. An alien would not earn acclaim at the national level from a local publication. Some newspapers, such as the *New York Times*, nominally serve a particular locality but would qualify as major media because of significant national distribution, unlike small local community papers.[4]

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[4] Even with nationally-circulated newspapers, consideration must be given to the placement of the article. For example, an article that appears in the *Washington Post*, but in a section that is distributed only in Fairfax County, Virginia, for instance, cannot serve to spread an individual's reputation outside of that county.

In response to the director's request for evidence, the petitioner submitted an article entitled "Being in power is not a privilege. . ." The date and name of the publication were not identified as required by the plain language of this regulatory criterion. Further, there is no evidence (such as objective circulation information) showing that the article was in a professional or major trade publication or some other form of major media. The petitioner also submitted a June 2007 article in entitled This article contains the petitioner's political analysis regarding the Adjarian Government, but the article is not about her. Further, the author of the article was not identified as required by the plain language of this regulatory criterion. Moreover, there is no evidence showing that is a professional or major trade publication or some other form of major media.

In light of the above, the petitioner has not established that she meets this criterion.

> *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.*

As previously discussed, the petitioner submitted a March 8, 2008 letter from stating: "This letter is to confirm that [the petitioner] is a member of the letter does not specify the nature of the petitioner's work for the The plain language of the regulation requires "[e]vidence of the alien's participation . . . as a judge of the work of others." There is no documentary evidence showing the petitoner's participation as a judge of the work of others while serving as a member of the If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for the petitioner to submit corroborative evidence. *Matter of Y-B-*, 21 I&N Dec. 1136 (BIA 1998). In this instance, letter lacks specificity and details, and is unsupported by any corroborative evidence demonstrating the petitioner's participation as a judge of the work of others. On appeal, the petitioner states: "The membership of Academic [C]ouncil of University mean [sic] that I am granted the right to evaluate other scientist's [sic] papers." The record, however, does not include evidence demonstrating that the petitioner has participated as an evaluator of other scientists' papers since becoming a faculty member at in 2006. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

In response to the director's request for evidence, the petitioner submitted a July 26, 2006 certificate from the United States Agency for International Development (USAID) stating: "Certificate was given to [the petitioner] from July 10 up to July 25, 2006 for Monitoring of Unified National Examinations." There is no evidence showing that *monitoring* Unified National Examinations for USAID equates to "participation, either individually or on a panel, as a judge of the work of others." The preceding certificate does not specify the nature of the petitioner's work as a monitor or the names of the individuals she judged.

The petitioner's response also included evidence of a 1999 monograph by entitled An excerpt from the monograph identifies the petitioner as "Reviewer" and "Candidate of Historical Sciences" and as "Editor." The petitioner has thus documented her review of a single monograph by in 1999. Consistent with the statutory requirement for "extensive documentation" at section 203(b)(1)(A)(i), the regulation at 8 C.F.R. § 204.5(h)(3)(iv) expressly requires evidence of participation as a judge of the work of "others" in the plural. Accordingly, the petitioner has not established that she meets the plain language requirements of this regulatory criterion through review of only one person's work. Additional deficiencies pertaining to the preceding evidence will be addressed below in our final merits determination regarding whether the submitted evidence is commensurate with sustained national or international acclaim, or being among that small percentage at the very top of the field of endeavor.

In light of the above, the petitioner has not established that she 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 various letters of support from her professional and educational contacts.

states:

> I first got acquainted with [the petitioner's] research work when she made a presentation at the Annual Conference of American Studies at Tbilisi State University in 2004. Her paper entitled made a great impression on me for two main points: full command of the scientific literature, and originality and extraordinary skills of the presented issues to the audience. Since then I have taken a deep personal interest in her researches and pedagogical activities. She is prominent among Georgian academics as an outstanding expert in the field of politics, particularly in American Studies and a skillful teacher who is permanently invited to deliver public lectures to different universities in Georgia and abroad. I should say that she has always been distinguished by responsibility and interest towards her scientific activity.
>
> * * *
>
> I highly recommend her as a leading researcher and a notable contributor to the field of political science whose professional activity shows a rare combination of research and pedagogical skill.

With regard to the petitioner's conference papers, there is no evidence showing that they have had an impact in the field beyond the confines of sessions in which they were presented. For instance, the record does not include objective documentation (such as frequent citation by independent scholars) demonstrating the influence that her work has had on political science scholars in the field at large.

Accordingly, the petitioner has not established that her conference papers equate to original contributions of major significance in the field.

states:

> As the dean of the faculty of Social Sciences, Business and Law, it is my pleasant duty to provide this letter to confirm, that Associate Professor [the petitioner] has been working at since 1996.
>
> A creative approach to teaching that reaches beyond the standard formula, her multiple teaching formats, including open discussion, debate, and group class presentations keep her classes lively and entertaining while at the same time maintaining high academic standards by requiring students to apply sophisticated analysis to issues.
>
> In addition to her classroom excellence, [the petitioner] has made an important contribution to enriching political science department curriculum. At the same time, knowledge and skills gained through different fellowships and trainings she shares to students and colleagues.
>
> As the member of American Political Science Association Professor [the petitioner] is invited to attend the Teaching and Learning Conference to present the paper titled (22/24 February, San Jose, California). Her trip is funded by Shota Rustaveli State University and I am sure she will contribute to the conference with her paper and will enrich pedagogical skills to be shared to colleagues and students.

While the petitioner is admired for her work at the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(v) requires original "contributions of major significance in the field" rather than contributions limited to her immediate employer. Further, there is no evidence demonstrating that the petitioner's conference paper " is widely acknowledged by independent political science scholars as an original contribution of major significance in the field.

states:

> I was present at [the petitioner's] presentation of her paper at the Teaching and Learning Conference sponsored by the American Political Science Association. I am also on the Teaching and Learning Committee of the APSA.
>
> [The petitioner's] paper was an important contribution to our deliberations and demonstrated the great work which she is doing in Georgia. We have been so pleased to have her as a part of our deliberations. Her work in Georgia is an inspiration to us all.

Professor opines that the petitioner's paper was an "important contribution" to the deliberations at the APSA's conference, but he does not specifically identify her original political science contributions or provide examples of how they have influenced others in the field.

states:

> I am pleased to provide this reference letter for [the petitioner] whom I know since spring 2001, when she first attended a one-week course development workshop that our Curriculum Resource Center and the Central European University's Nationalism department co-organized. [The petitioner's] outstanding contribution to sessions focusing on both the content and methodology of teaching political science at universities made us establish a long-term cooperation with her: we have offered her two 10-month grants in course development (the first in 2003 and the second in 2006) to develop two innovative courses at her department, entitled "Nationalism in Contemporary World Politics" and "Democratic Theory and Practice." Our colleagues for the CEU Summer University have also found her application for their 2002 summer course "Intercultural citizenship" of outstanding quality and offered her a funded place.
>
> [The petitioner] has been selected to our various projects by an international committee of political science professors, based on the following criteria: outstanding personal academic achievements in the discipline (in both research and teaching), willingness to reform university teaching, openness towards introducing cutting edge university courses and innovative approaches in teaching political sciences.
>
> I am firmly convinced that [the petitioner] is a good example of a "Scholar in the Classroom," a concept that our center aims to develop in post-communist higher education systems: she brings her own high-level academic research into the classroom, forming a bridge between the state of the art in the discipline of political science and the learning experience, offering to her students access to cutting-edge developments in the field.

There is no evidence showing that the political science courses developed by the petitioner have been implemented anywhere other than her employing university or that they otherwise equate to original contributions of major significance in the field.

, states:

> I have known [the petitioner] since 2004 when I worked with her when she was a visiting fellow at my school, Fairfield University in Fairfield, Connecticut. She is an outstanding political scientist with a strong work ethic. I was impressed by her dedication and scholarship. She is a very good teacher who was well respected by her students and her peers.

* * *

> [The petitioner] has been a member of the American Political Science Association since 2006 and she has served an Internship at New School University. She has also worked professionally at

Professor describes the petitioner as a "good teacher," but his letter does not provide specific examples of how the petitioner's original work has significantly influenced the field of political science.

states:

> It is my great honor and pleasure to write a letter of evaluation of the presentation [the petitioner] made at American Political Science Association's 5th Teaching and Leaning Conference on February 22, 2008. I shared the panel, "Civic Engagement from an International Perspective" with [the petitioner], and joined an enthusiastic discussion after her presentation.
>
> In her paper, entitled ' [the petitioner] shed lights on the merit of introducing experiential aspect into the political education. I myself conducted research on American democratic assistance to transitional countries in the late 1990s, and found the difficulty of transforming the image and meaning of politics as well as appreciated the importance of encouraging young people to proactively engage in the public space. Moreover, the social context of political education in Georgia has much similarity with that of Japan, while makes quite a contrast to American case. Although political education at universities shares certain common challenges, we also need to form our educational programs sensitive to such historical and cultural differences. In that sense, [the petitioner's] paper made a valuable contribution to the panel.
>
> Besides her presentation, [the petitioner] was an active participant throughout the conference, providing divergent viewpoint to the discussion made predominantly of American participants. Being one of a few non-American participants myself, I found her enthusiasm to get engaged with fellow participants and to exchange opinions quite encouraging.

Professor states that the petitioner's paper entitled ' ' made a valuable contribution to the civic engagement panel at the APSA conference, but he does not specifically identify the aspects of her findings that were original or discuss how they have impacted others in the political science field.

states:

> I am writing on behalf of [the petitioner] who has interned in my office for approximately two semesters.
>
> [The petitioner] is a very intelligent and kind lady who is well grounded and functions well in a public office. [The petitioner] is intent about her work and has a sincere desire to

understand and demonstrate her skills. She has experience in the area of Constituent Services in my office and has mastered research, resolution and written communication of constituent concerns. She also works well with others and accepts constructive criticism.

[The petitioner] has become a welcomed and valued member of my staff. She is interested in her work and performs it well. She has an excellent understanding of government and will be an asset in the field of Government Services.

There is no evidence showing that the petitioner's work for the Congressman has impacted the field beyond Once again, a contribution to one's workplace is not necessarily an original contribution of major significance in the field. In this instance, the petitioner has not established that her local constituent services work for constitutes an original contribution of major significance in the field.

, states:

I have known [the petitioner] since 1999 and she was one of the most active applicants or the and participated in number of grant competitions announced by the OSGF.

For the last 10 years [the petitioner] has been trying to improve the teaching methods for political science at the She is very motivated and consistently tries to introduce novel teaching methods. In 2000 she won an OSGF grant for developing and introducing new curricula in Georgia's higher education system.

Political science has been offered at Georgian Higher Education Institutions since 1990-1991. With a support of the Ministry of Education of Georgia, a number of books and guidelines have been published in this regard. Even though political science is being taught at our universities there is no single comprehensive program to cover the discipline. Thus, [the petitioner] has contributed significantly to the development of political science curricula at

While working on curricula of political science, [the petitioner] has also participated professional development scholarships offered by the Central European University (CEU-HESP) programs and U.S. Department of States Programs (JFDP, IREX).

[The petitioner] was eminently recognized by her strong academic background. [The petitioner's] ability to relate effectively and engagingly with others, as both a colleague and a supervisor, ensure her success. She has an insightful approach towards her responsibilities and obligations. The applicant is an effective researcher and dedicated to her work. She has been doing a research on democracy in theory and practice. Furthermore, she has developed courses in Political Theory, Democracy: Theory and Practice, Nationalism and Globalization.

> I appreciate [the petitioner's] choice to participate in Columbia University internship program. I sincerely urge you to give her the opportunity to demonstrate her marvelous potential. I have no doubt that the applicant's skills and talents will put her in good standing as a Columbia University intern and that she will thrive in such a rigorous academic setting.

With regard to comments, it is not enough to be skilled and talented and to have others attest to one's "potential." An alien must have already demonstrably impacted the field in order to meet this regulatory criterion. As previously discussed, there is no evidence showing that the petitioner's teaching methodologies and political science curricula have been implemented anywhere other than Further, letter does not provide specific examples indicating how the petitioner's research on democracy in theory and practice has significantly impacted others in her field. According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), an alien's contributions must be not only original but of major significance. We must presume that the phrase "major significance" is not superfluous and, thus, that it has some meaning. While the petitioner's work is admired by her references, the submitted documentation does not establish that it equates to original contributions of "major significance" in the field. For example, the record does not indicate the extent to which her work has impacted independent scholars in her field, nor does it show that the field as a whole has significantly changed as a result of her work.

The preceding reference letters are not without weight and have been considered above. USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Commr. 1988). USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Thus, the content of the experts' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of a political scholar or historian who has made original contributions of "major significance." Without supporting evidence showing that the petitioner's work equates to original contributions of major significance in her field, we cannot conclude that she 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 her authorship of two monographs entitled " (2003) and (2000), but the English language translations accompanying them were incomplete and not certified by the translator. Pursuant to the regulation at 8 C.F.R. § 103.2(b)(3), any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation that the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into

English. Further, there is no evidence demonstrating that these monographs qualify as professional or major trade publications or other major media. Accordingly, the petitioner has not established that she meets this criterion.

Evidence of the display of the alien's work in the field at artistic exhibitions or showcases.

On appeal, the petitioner argues that her conference presentations and workshops satisfy this criterion. The petitioner's field, however, is not in the arts. The plain language of this regulatory criterion indicates that it applies to visual artists (such as sculptors and painters) rather than historians or political scientists. The ten criteria in the regulations are designed to cover different areas; not every criterion will apply to every occupation. Accordingly, the petitioner has not established that she meets this criterion.

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

The letter from [redacted] states that the petitioner has been working at [redacted] since 1996. Further, Professor [redacted] letter states that the petitioner [redacted], served as an intern at [redacted] and worked professionally at [redacted] in 2001. In addition, [redacted] letter indicates that the petitioner interned in his office for approximately two semesters. Finally, the letter from [redacted] mentions the petitioner's participation in a Columbia University internship program.

There is no supporting evidence showing that the preceding institutions have a distinguished reputation. As previously discussed, going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165. While the petitioner has performed admirably as an [redacted] the submitted evidence does not demonstrate how her role differentiated her from the other professors employed by her university, let alone its full professors and administrative faculty. Moreover, there is no evidence showing that her subordinate internships at [redacted] office, and [redacted] were leading or critical for those organizations. With regard to the petitioner's work at [redacted] there is no organizational chart or other evidence documenting how the petitioner's position fell within the general hierarchy of their faculty. Further, Professor [redacted] letter does not specify the petitioner's duties and responsibilities at [redacted] The documentation submitted by the petitioner does not establish that she was responsible for the preceding institutions' success or standing to a degree consistent with the meaning of "leading or critical role." Accordingly, the petitioner has not established that she meets this criterion.

Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.

The petitioner submitted a January 24, 2008 letter from the "Chief of the Service of Human Resource Management" at stating that "her monthly salary consist of 600 (six hundred) GEL." On appeal, the petitioner states: "The average salary in Georgia at this time was 120-150 GEL . . . . So my salary excluding grants and benefits alone was 4 times above national average." The record, however, does not include national average salary data for the country of Georgia to support the petitioner's assertion. As previously discussed, going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165. Nevertheless, the national average salary for Georgian workers in general is not an appropriate basis for comparison. The plain language of this regulatory criterion requires the petitioner to submit evidence of a high salary "in relation to others in the field." In this instance, there is no objective salary data for history and political science professors on which to rely as a proper basis for comparison. Accordingly, the petitioner has not established that her salary was significantly high in relation to others in her particular field.

In light of the above, the petitioner has not established that she meets this criterion.

Summary

In this case, we concur with the director's determination that the petitioner has failed to demonstrate her receipt of a major, internationally recognized award, or that she meets at least three of the ten categories of evidence that must be satisfied to establish the minimum eligibility requirements necessary to qualify as an alien of extraordinary ability. 8 C.F.R. § 204.5(h)(3). A final merits determination that considers all of the evidence follows.

B. Final Merits Determination

In accordance with the *Kazarian* opinion, we must next conduct a final merits determination that considers all of the evidence in the context of whether or not the petitioner has demonstrated: (1) a "level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the[ir] field of endeavor," 8 C.F.R. § 204.5(h)(2); and (2) "that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise." Section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(3). *See also Kazarian,* 596 F.3d at 1119-20. In the present matter, many of the deficiencies in the documentation submitted by the petitioner have already been addressed in our preceding discussion of the regulatory criteria at 8 C.F.R. §§ 204.5(h)(3)(i) – (ix).

With regard to the documentation submitted for 8 C.F.R. § 204.5(h)(iv), the petitioner has not established that her review of a single monograph in 1999 demonstrates sustained national or international acclaim or a level of expertise indicating that she is among that small percentage who have risen to the very top of the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act, 8 U.S.C. § 1153(b)(1)(A)(i), and 8 C.F.R. §§ 204.5(h)(2) and (3). Peer review of manuscripts is a routine element of the process by which articles are selected for publication in scholarly journals. Normally a journal's editorial staff will enlist the assistance of professionals in the field who agree to review

submitted papers. It is common for a publication to ask several reviewers to review a manuscript and to offer comments. The publication's editorial staff may accept or reject any reviewer's comments in determining whether to publish or reject submitted papers. Without evidence that sets the petitioner apart from others in her field, such as evidence that she has received and completed independent requests for review from a substantial number of journals or served in an editorial position for a distinguished journal as of the petition's filing date, we cannot conclude that her level of peer review is commensurate with sustained national or international acclaim at the very top of the field of endeavor.

Regarding the documentation submitted for 8 C.F.R. § 204.5(h)(vii), there is no evidence showing that the petitioner's participation in APSA conferences equates to evidence of achievements and recognition commensurate with sustained national or international acclaim at the very top of her field. In the scholarly community, acclaim is generally not established by the mere act of presenting one's work at an academic conference along with numerous other participants. Nothing in the record indicates that the presentation of one's work is unusual in the petitioner's field or that invitation to present at venues where her work appeared was a privilege extended to only a few top political science researchers. Many professional fields regularly hold conferences and symposia to present new work, discuss new findings, and network with other professionals. These conferences are promoted and sponsored by professional associations, businesses, educational institutions, and government agencies. In this case, the petitioner has not established that her participation in such events demonstrates a level of achievement that sets her apart from almost all other scholars in her field nationally or internationally.

While the petitioner has earned the respect and admiration of her references, the evidence of record falls short of demonstrating her sustained national or international acclaim as a researcher historian, political scientist, and educator. The conclusion we reach by considering the evidence to meet each criterion at 8 C.F.R. § 204.5(h)(3) separately is consistent with a review of the evidence in the aggregate. Even in the aggregate, the evidence does not distinguish the petitioner as one of the small percentage who has risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2).

C. Continuing work in the area of expertise in the United States

Beyond the decision of the director, the statute and regulations require that the petitioner seeks to continue work in her area of expertise in the United States. *See* section 203(b)(1)(A)(ii) of the Act, 8 U.S.C. § 1153(b)(1)(A)(ii); 8 C.F.R. § 204.5(h)(5). Such evidence may include letter(s) from prospective employer(s), evidence of prearranged commitments such as contracts, or a statement from the petitioner detailing plans on how she intends to continue his work in the United States. On the Form I-140, the petitioner failed to provide any information in Part 6, "Basic information about the proposed employment." Further, the Form G-325A, Biographic Information, submitted in conjunction with the petitioner's Form I-485, Application to Register Permanent Residence or Adjust Status, does not specify where the petitioner has worked in the United States since her arrival February 2008. In this case, the petitioner has not submitted letter(s) from prospective employer(s), evidence of prearranged commitments such as contracts, or a statement detailing plans on how she intends to continue working in the United States. The February 20, 2008 letter from [redacted] states

that the petitioner "interned" in his office for approximately two semesters, but his letter does discuss her prospective employment with his office or explain how she will continue to work in her area of expertise in the United States in the future. Accordingly, the petitioner has not submitted "clear evidence" that she will continue to work in her area of expertise in the United States. 8 C.F.R. § 204.5(h)(5).

III. Conclusion

Review of the record does not establish that the petitioner has distinguished herself to such an extent that she may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of her field. The evidence is not persuasive that the petitioner's achievements set her significantly above almost all others in her field at a national or international level. Further, the petitioner has not submitted clear evidence demonstrating that she will continue to work in her area of expertise in the United States. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A) of the Act and the petition may not be approved.

An application or petition that fails to comply with the technical requirements of the law may be denied by the AAO even if the Service Center does not identify all of the grounds for denial in the initial decision. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d at 1043, *aff'd*, 345 F.3d at 683; *see also Soltane v. DOJ*, 381 F.3d at 145 (noting that the AAO conducts appellate review on a *de novo* basis).

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.