



U.S. Department of Justice  
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



Public Copy

File: [Redacted] Office: Texas Service Center Date: AUG 10 2000

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)

IN BEHALF OF PETITIONER: Self-represented

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Terrance M. O'Reilly, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Texas Service Center,<sup>1</sup> and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The director indicated that the beneficiary is also the petitioner. The Form I-140 petition, however, plainly identifies [REDACTED] as the petitioner. [REDACTED] and not the beneficiary, signed the petition form and is therefore the petitioner. While [REDACTED] did not sign the appeal form, new correspondence from him accompanies the appeal. From a review of the record, it is obvious that [REDACTED] played a major role in preparing and filing the appeal. Accordingly, this office will not reject this appeal as having been improperly filed by the beneficiary rather than by the petitioner.

The petitioner is the [REDACTED] of the [REDACTED] Marine Laboratory, and [REDACTED] of the Aquaculture Program at [REDACTED] where the beneficiary was a doctoral student at the time the petition was filed. The petitioner seeks to classify the beneficiary 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 that the beneficiary has earned 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

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<sup>1</sup>Although the petition was filed with the Vermont Service Center, it was subsequently transferred to the Texas Service Center which has jurisdiction over Florida, where both the petitioner and the beneficiary reside.

(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 Service 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 the beneficiary has sustained national or international acclaim at the very top level.

This petition seeks to classify the beneficiary as an alien with extraordinary ability as an aquaculturist specializing in ornamental shrimp. 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. The petitioner has submitted evidence which, he claims, meets the following criteria.

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

The beneficiary received an award certificate from the city government of Shanghai, China. This award is clearly local rather than national or international.

Florida Institute of Technology presented a plaque to the beneficiary "in recognition of outstanding academic achievement." The petitioner has not shown that this award has any significance outside of the college which awarded it. Many institutions reward academic excellence, but it does not follow that awards for such excellence are nationally or internationally recognized.

Finally, the petitioner cites "Certificate[s] of highly competitive Internship Awards." These certificates indicate only that the beneficiary completed summer internships in 1996 and 1997 at Harbor Branch Oceanographic Institution, Inc. The petitioner offers no evidence that the petitioner became nationally or internationally known through his internships at this institution, or that an internship there is among the most prestigious honors in the field. Furthermore, temporary employment (such as an internship) is not a prize or award. A summer internship would appear to represent a

training opportunity for students and recent graduates, rather than a significant award or prize.

*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.*

The petitioner states that the beneficiary "has been invited to become a member of important scientific organizations such as [the] American Association for [the] Advancement [of] Science." There is no evidence that the beneficiary was already a member of this association when the petition was filed. Furthermore, there is no evidence that this association requires outstanding achievements as a condition for membership.

Another faculty member of the Florida Institute of Technology states that the beneficiary is a member of the World Aquaculture Society and the Crustacean Society. The record contains no documentation from the societies themselves, to establish either the beneficiary's membership or the societies' membership requirements.

*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 beneficiary is an [redacted] of the Proceedings of the Gulf and Caribbean Fisheries Institute. The duties of the beneficiary in this role are not defined. The 1998 letter appointing the beneficiary to the [redacted] position is signed by [redacted] who is also an official of the Harbor Branch Oceanographic Institute, Inc., where the beneficiary had served as a summer intern in 1996 and 1997. The petitioner's appointment to a position within this same institute, therefore, does not demonstrate any reputation beyond the institute itself.

*Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.*

The beneficiary has published twelve papers and three books. International requests for reprints of these articles indicate considerable interest in this published work. The petitioner has satisfied this criterion.

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