PUBLIC COPY

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

B2

U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

[redacted]

File: WAC 01 283 52401 Office: CALIFORNIA SERVICE CENTER Date: MAY 29 2003

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:

[redacted]

INSTRUCTIONS:
This is the decision 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 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 that 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 Bureau of Citizenship and Immigration Services (Bureau) 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 that originally decided your case along with a fee of $110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office 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 as a spiritual healer. 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 pertinent regulations 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.

Counsel states that the petitioner "is within the classification of an alien with extraordinary ability in the field of religious healing, specifically, Halo Esoteric Buddhist Healing." The visa classification is limited, by law, to aliens of extraordinary ability in the sciences, arts, education, business, or athletics. Counsel does not specify which of these five areas includes Halo Esoteric Buddhist Healing. Counsel describes Halo Esoteric Buddhist Healing:

> It is believed that based on the . . . doctrines and practice of Halo Esoteric Buddhism and with the cultivation by living Buddha(s), one can find the immeasurable and

> unlimited path in which he/she will have enhanced physical conditions and inner power to regulate internal veins and nervous system so as to avoid or control problems of strokes, heart diseases, hypertension, lung diseases, asthma, wheezing, gastro-intestine disease, back pains, neck vertebra pain, insomnia, tumors, calculus, diabetes, impotence, sterile, rheumatic fever, hemorrhoids, hepatitis, allergies, endocrine disorders, obesity and many other illnesses.

Elsewhere in the introductory letter, counsel indicates that the petitioner also uses his methods against cancer.

Counsel states that the petitioner "is a living Buddha," consecrated at age five and intensively trained over the course of decades. Counsel states that the petitioner "is the only one living Buddha who possesses all essence and specifics of Halo Esoteric Buddhism" and, therefore, he "has reached the very top of Buddhist teaching and healing." Counsel asserts:

> In the last fifteen years, [the petitioner] has held hundreds of preaching and healing conferences . . . in many internationally known places [in China and North America]. . .
>
> With his supernatural power of Halo Esoteric Buddhist healing art, [the petitioner] has helped millions of people get out from their diseases, sorrow and suffering and enhance their length of life, increase their productivity and foster their wisdom. At this time, he has 20,000 converted followers (students) and has had more than 200,000 conference attendees in the world. . . . Many of his followers/students were (or still are) high-ranking Chinese central government officials.

The petitioner states that he intends to "register a local entity" in the United States, and raise funds for this entity through membership fees and the sale of "Ziguang Golden Prize Chinese Alpine Rush Tea." Proceeds would be divided between "the entity's development and . . . a non-profit corporation."

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 record contains copies of several certificates from Halo Esoteric Sect Global Health Promotion Committees, Buddhist temples, and other entities affiliated with the petitioner's sect of Buddhism. The petitioner has not submitted any evidence that these awards are recognized

outside of the sect that anointed him a "living Buddha" at the age of five and has ever since devoted special attention to him.[1]

The petitioner submits photographs of several trophies and plaques, and other items. Unattributed annotations indicate that the awards are from entities such as the China Medicine and Health Products Committee, the Consumer Council of China, the Bureau of Finance of the People's Republic of China, the Bureau of Construction of the People's Republic of China, and other entities. The record contains no documentation from these bodies to explain the significance of the awards or the reasons they presented the awards to the petitioner. It appears that the petitioner addressed groups of employees of these entities, and received various tokens of appreciation in return.

> *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 Guang Huan Mi Zong International Research Institute of Singapore, Guang Huan Mi Zong Buddhism Research Institutes in Hong Kong and Guangdong, and the Halo Esoteric Sect Global Health Promotion Committee in Canada have all invited the petitioner to serve as their chairman or president. There is no evidence to show that any of these organizations require outstanding achievements of all their members. While several of the invitations indicate that the members of the organizations are "prostrated in worship" before the petitioner, this appears to have more to do with the petitioner's special status as an anointed holy man (materials in the record refer to the petitioner as the "founder of Guang Huan Mi Zong") rather than the organizations' general membership requirements.

> *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.*

Counsel states that the petitioner "enjoys tremendous publicity in China, Hong Kong, Singapore and many other countries with large population[s] of Chinese. . . . Some of his preaching and healing conferences were live televised by Jade Channel of Hong Kong." Some of the publications reproduced in the record include *Halo Mystic Buddhism*, *Zi Guang Huang Yu*, and other publications that appear to be issued by the petitioner's sect rather than by independent news outlets. Other pieces, published years apart in various newspapers, feature identical photographs of the petitioner and appear to be

---

[1] The AAO searched the World Wide Web, using http://www.google.com, for the phrases "guang huan mi zong," "halo esoteric," "global health promotion committee" and several variations of the petitioner's name and aliases. Most of the results were entirely negative or yielded irrelevant information clearly unconnected to the petitioner. The only positive results obtained were pages on the sect's own web site, http://www.guanghuanmizong.com. The near-total lack of information about the petitioner and his sect on the World Wide Web does not readily suggest the international reputation that has been claimed.

advertisements promoting seminars and personal appearances by the petitioner. Many of the publications are Chinese-language newspapers for local Chinese communities in the United States and Canada, and these do not show that the petitioner is recognized outside of the Chinese Buddhist communities in those countries. For the most part, the petitioner submits only summary translations of the Chinese-language articles.

The petitioner submits copies of several letters, inviting the petitioner to speak at various venues. While these letters show that the petitioner is in demand as a speaker, the letters are not published materials and counsel does not explain why they have been placed under the general heading "publicity."

> *Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.*

The petitioner submits photographs of several seminars and speaking engagements conducted by the petitioner. The significance of these events is not self-evident; the photographs demonstrate only that the events took place. The petitioner also submits letters from various entities that had invited the petitioner to present these seminars, indicating that the seminars were successful. The petitioner also submits letters from individuals, including high-ranking Chinese government officials, who credit the petitioner's healing methods for significant improvements in their health.

A particularly detailed list of the petitioner's claimed contributions is found in a letter from the Halo Esoteric Sect Global Health Promotion Committee, which states:

> [The petitioner] is respected as a famous human engineering scientist, philosopher, Buddhism Master [redacted] specialist and sociologist with his brilliant achievement in promoting world peace and well-being for mankind.
>
> The "Guang Huan Mi Zong Ninefold Buddhism Dharma," preached by [the petitioner], is having incredible healing and health enhancement effects for all human beings. It can positively improve one's physical condition and enhance his intelligence within merely [a] few days. This Ninefold Buddhism Dharma is particularly able to eliminate typical fatal diseases of people, such as:
>
> 1) Parkinson's Disease;
> 2) Tumors, Cancers; and the
> 3) Occurrence of disabled infants, etc.
>
> In addition, the Ninefold Buddhism Dharma can exert amazing modification effects upon difficult and motley diseases, for instance, Hypertension, Heart Diseases, Diabetes, Rheumatism, Bone Spurs, Back Pains and so on.

The materials show that the petitioner is highly regarded, indeed literally worshipped, among members of his Buddhist sect, but a sect is not a field of endeavor. The petitioner has not shown that his healing

methods have attracted significant attention from the medical community at large, which would be expected if the petitioner could reliably be shown to successfully treat cancer and diabetes as claimed.

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

Counsel asserts that the petitioner "has written and published many books on Halo Esoteric Buddhism," but not all published works are scholarly writings. Counsel adds that the petitioner "has also published a great number of articles in professional magazines such as 'Qigong & Science' and 'Guang Huan Mi Zong Magazine.'" The record amply documents that the petitioner has written extensively, but the petitioner must also establish the "major" nature of the publications as the regulation requires. Internal writings disseminated only among members of the petitioner's sect cannot suffice in this regard. At least one of these magazines appears to exist primarily to report on the petitioner's activities. Again, recognition within a sect is not national or international acclaim because a religious sect is neither a nation nor a field of endeavor.

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

The petitioner provides photographs of various public presentations by the petitioner, but it does not appear that these events constitute "artistic exhibitions or showcases." If any parallel is available in the regulations for audience events, the closest is in the following criterion:

> *Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.*

The petitioner has established that he has conducted seminars and demonstrations before audiences, but this evidence consists primarily of photographs which do not identify the venues, the capacities of those venues, or the percentage of seats occupied by audience members. Simply speaking, preaching, or healing in a public setting is not inherently demonstrative of sustained acclaim.

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

As noted above, several Guang Huan Mi Zong Buddhism Research Institutes and the Halo Esoteric Sect Global Health Promotion Committee have invited the petitioner to serve as their chairman or president. Also as noted above, the documents in the record show that the petitioner was invited but not that he actually served in the leadership roles. Furthermore, the petitioner must demonstrate that these entities have a distinguished reputation.

The Guang Huan Mi Zong International Research Institute of Singapore invited the petitioner "to be our umpire and advisor" for a "Buddhism Esoteric Sect Dharma Preacher Competition." This invitation, claimed as a leading or critical role, appears to be more germane to another 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.*

Whatever the regulatory criterion, it remains that the petitioner must establish that his activities reflect, and have contributed to, sustained acclaim not only within one sect but at a national or international level.

The director informed the petitioner that the initial evidence was insufficient to establish eligibility. The director instructed the petitioner to submit further evidence, and stated that the petitioner's prominence within his sect cannot suffice to show sustained national or international acclaim.

In response, the petitioner has submitted several pages of claims regarding prizes, the circulation of publications, and other claimed criteria. The unsigned statement refers to corroborating evidence but these materials are not in the record. Simply going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. See *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

The petitioner asserts that a type of tea that he formulated has sold well. In addition to the absence of first-hand documentation establishing that the petitioner's tea outsells other teas in China, the connection between successful tea sales and spiritual healing is not immediately apparent (notwithstanding a document in the record which repeatedly asserts that the petitioner has infused the tea leaves with "magic").

The director denied the petition, stating that the petitioner has failed to submit evidence to address the director's concerns as stated in the earlier request for evidence. The director also noted the lack of empirical support for the petitioner's claims of spiritual healing power. The director further observed that any attention that the petitioner has gained in the U.S. and Canada has apparently been limited to Buddhists in the Chinese-speaking community.

On appeal, the petitioner submits a personal statement and new exhibits. The petitioner asserts "[t]he Halo Esoteric Sect Global Health Promotion Committees of Canada, Hong Kong, and Singapore are independent organizations, over which I have no control." This seems to contradict the earlier claim that the petitioner played a leading role for those same organizations as their chairman or president. Furthermore, given that the officials of those organizations have declared themselves to be "prostrated before [the petitioner] in worship," it can be reasonably inferred that the petitioner has some influence over those groups.

The petitioner states:

> Befor[redacted] was outlawed by the Chinese government, I was invited to give Halo Esoteric healing workshops by many government agencies at the ministry level. . . . Unfortunately, the ban o[redacted] by the Chinese government changed many things in China, particularly for religious groups like Halo Esoteric

> Buddhism. As a matter of fact, I . . . have never been back to China since that time. Therefore, I did not have the opportunity to obtain official/government documentation to support my petition.

The petitioner does not clearly explain the relationship between the Halo Esoteric Sect and Falun Gong. The petitioner did not mention this ban, or imply a link between that ban and his own ability to obtain documentation, until after the director repeatedly observed the absence of official documents. Nevertheless, if the Chinese government has repudiated the petitioner to the extent that he is unable even to obtain documents from official sources, it is not readily apparent that any acclaim he may have enjoyed in China has been sustained.

The petitioner states "it is unjust and unfair to use empirical evidence to judge spiritual healing," but then states that he has been invited "to conduct 'empirical research' on Halo Esoteric Healing." While the existence of spiritual forces may be beyond scientific evaluation, the claimed results of the petitioner's healing efforts are readily subject to empirical evaluation. Recovery from illness, whatever the means, is amenable to verification, analysis, and quantification. Anecdotal reports from individuals who believe that the petitioner has cured them or who claim to have been cured, or at least greatly relieved, by the petitioner's efforts, cannot be viewed as definitive evidence in this regard.

The petitioner states "[at] this moment, I have 500 members in the United States and 20,000 members in the world." While this following is certainly respectable, it does not establish sustained acclaim at a national or international level. The petitioner's following appears to be concentrated in the People's Republic of China, with a population of over a billion people. In the United States, the petitioner's claimed number of adherents is not much larger than the membership of some single community churches, and the petitioner readily acknowledges that, in the United States, he is only beginning to build his reputation. The petitioner cites a recent issue of the *Columbia Daily Spectator* "to show that I have begun to attract the attention in the Non-Buddhist English-Speaking community." The *Daily Spectator* appears to be a campus publication of Columbia University in New York. The newspaper piece appears to be another advertisement, like several earlier advertisements discussed above.

The petitioner submits copies of letters that his followers have written to President George W. Bush and to Mrs. Laura Bush. These letters, consisting of further anecdotal reports and invitations to attend events involving the petitioner, demonstrate the fervor of the petitioner's followers but they do not establish national acclaim.

The petitioner also submits a copy of an "Extraordinary Performance Award" presented to him in September 2002 by the American Sports Committee, Inc. The award certificate states that the petitioner "has fully demonstrated his yoga expertise and has received our recognition of his outstanding contribution in enhancing the health of Americans." Leaving aside that this award was presented over a year after the petition's filing date, the record contains no information about the award or the entity that presented it.

The petitioner has clearly attracted a devoted following of thousands, apparently including at one time several high-level Chinese government officials. The petitioner has not shown, however, that he has ever attained sustained acclaim at a truly national or international level.

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the alien has achieved sustained national or international acclaim and is one of the small percentage who has risen to the very top of the field of endeavor. Review of the record, however, does not establish that the petitioner has distinguished himself as a spiritual healer 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 a 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.