



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE: **APR 14 2015**

Office: TEXAS SERVICE CENTER

FILE: [Redacted]

IN RE:

Petitioner:

Beneficiary:

[Redacted]

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:

[Redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition, which 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 as a professor of communications, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), which makes visas available to aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. The director determined that the petitioner had not satisfied the initial evidence requirements set forth at 8 C.F.R. § 204.5(h)(3), which requires documentation of a one-time achievement or evidence that meets at least three of the ten regulatory criteria.

On appeal, the petitioner asserts that he meets the criteria under the regulations at 8 C.F.R. § 204.5(h)(3)(ii), (iii), (iv), (v), (vi) and (viii). For the reasons discussed below, we agree with the director that the petitioner has not established his eligibility for the exclusive classification sought. Specifically, the petitioner has not submitted qualifying evidence of a one-time achievement pursuant to 8 C.F.R. § 204.5(h)(3), or evidence that satisfies at least three of the ten regulatory criteria set forth in the regulations at 8 C.F.R. § 204.5(h)(3)(i)-(x). As such, the petitioner has not demonstrated that he is one of the small percentage who is at the very top in the field of endeavor, and that he has sustained national or international acclaim. *See* 8 C.F.R. § 204.5(h)(2), (3). Accordingly, we will dismiss the petitioner's appeal.

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

- (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.*; 8 C.F.R. § 204.5(h)(2).

The regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate his or her sustained acclaim and the recognition of his or her achievements in the field through evidence of a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then a petitioner must submit sufficient qualifying evidence that meets at least three of the ten categories of evidence listed at 8 C.F.R. § 204.5(h)(3)(i)-(x).

The submission of evidence relating to at least three criteria, however, does not, in and of itself, establish eligibility for this classification. See *Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the evidence is first counted and then, if satisfying the required number of criteria, considered in the context of a final merits determination); see also *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011) (affirming USCIS' proper application of *Kazarian*), *aff'd*, 683 F.3d 1030 (9th Cir. 2012); *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013) (finding that USCIS appropriately applied the two-step review); *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010) (holding that the "truth is to be determined not by the quantity of evidence alone but by its quality" and that USCIS examines "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true").

II. ANALYSIS

A. Wikipedia Materials

In support of his petition, the petitioner has submitted a number of online printouts from Wikipedia. For example, the petitioner has submitted Wikipedia materials relating to publications, individuals, languages, and companies and institutions where he has worked. As there are no assurances about the reliability of the content from this open, user-edited Internet site, the materials from Wikipedia have no evidentiary weight.¹ See *Badasa v. Mukasey*, 540 F.3d 909, 910-11 (8th Cir. 2008). Accordingly, the petitioner may not rely on Wikipedia materials to establish his eligibility.

¹ Online content from Wikipedia is subject to the following general disclaimer entitled "WIKIPEDIA MAKES NO GUARANTEE OF VALIDITY":

B. Evidentiary Criteria²

Under the regulation at 8 C.F.R. § 204.5(h)(3), the petitioner, as initial evidence, may present evidence of a one-time achievement that is a major, internationally recognized award. In this case, the petitioner has not asserted or shown through his evidence that he is the recipient of a major, internationally recognized award at a level similar to that of the Nobel Prize. As such, as initial evidence, the petitioner must present at least three of the ten types of evidence under the regulations at 8 C.F.R. § 204.5(h)(3)(i)-(x) to meet the basic eligibility requirements.

Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i).

The director concluded that the petitioner did not meet this criterion. On appeal, the petitioner has not asserted that he meets this criterion. As such, the petitioner has abandoned this issue, as he did not timely raise it on appeal. *Sepulveda v. United States Att'y Gen.*, 401 F.3d 1226, 1228 n.2 (11th Cir. 2005); *Hristov v. Roark*, No. 09-CV-27312011, 2011 WL 4711885 at *1, 9 (E.D.N.Y. Sept. 30, 2011) (the United States District Court found the plaintiff's claims to be abandoned as he failed to raise them on appeal). Moreover, the evidence does not establish that the awards the petitioner has received, including awards from [REDACTED] are either nationally or internationally recognized. The petitioner has not submitted evidence showing that individuals not associated with the issuing entities recognized the awards or that any nationally or internationally circulated publications covered the selection of awardees for these awards. Accordingly, the petitioner has not presented documentation of his receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i).

Wikipedia is an online open-content collaborative encyclopedia, that is, a voluntary association of individuals and groups working to develop a common resource of human knowledge. The structure of the project allows anyone with an Internet connection to alter its content. Please be advised that nothing found here has necessarily been reviewed by people with the expertise required to provide you with complete, accurate or reliable information.

. . . Wikipedia cannot guarantee the validity of the information found here. The content of any given article may recently have been changed, vandalized or altered by someone whose opinion does not correspond with the state of knowledge in the relevant fields

See http://en.wikipedia.org/wiki/Wikipedia:General_disclaimer, accessed on February 24, 2015, a copy of which is incorporated into the record of proceeding.

² We have reviewed all of the evidence the petitioner has submitted and will address those criteria the petitioner asserts he meets or for which the petitioner has submitted relevant and probative evidence.

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. 8 C.F.R. § 204.5(h)(3)(ii).

On appeal, the petitioner asserts that he meets this criterion because he is a lifetime member of the [redacted] global chapter and an associate member in [redacted]

The evidence in the record does not establish that the petitioner meets this criterion. First, the petitioner has not submitted evidence showing that he is a lifetime member of the [redacted] chapter. Rather, the evidence, including a June 4, 2013 letter from [redacted] Vice President of the [redacted], shows that the petitioner is a member of [redacted]. Mr. [redacted] letter provides that the petitioner "will begin receiving information about [redacted] activities as well as invitations from different social and political organizations for [his] consideration, [he] can also count on [redacted] to work together to obtain any services [he] need[s] for [his] professional work." The evidence shows that the organization provides networking services. In his second letter, dated November 12, 2013, Mr. [redacted] indicates that the petitioner is a member of [redacted] but does not state that he is a lifetime member of the [redacted] chapter, as the petitioner asserts on appeal. According to online printouts from [redacted] there are seven membership categories. Lifetime membership is not listed as one of the categories.

Moreover, the online printout, entitled "How to Apply for Membership," lists the seven membership categories, but does not state that [redacted] requires outstanding achievements from its members, as judged by recognized national or international experts in their disciplines or fields. Although the petitioner has submitted a letter from Mr. [redacted] stating the specific reasons that [redacted] admitted the petitioner as a member, at issue is whether the organization requires "outstanding achievements" from its members, not the specific reasons why the organization has admitted the petitioner. Mr. [redacted] asserts that one of the reasons why [redacted] admitted the petitioner as a member is that the petitioner is an individual who has contributed to international news media. This accomplishment, however, is not listed as a membership requirement in the organization's online printouts. The seven categories include regular members, those whose principal means of support is earned in gathering, editing or presenting the news, and academic members, those who work as educators of journalism at institutions of higher learning. The remaining categories, such as associate and student, require even less achievements in the field. Accordingly, the petitioner has not established that [redacted] requires outstanding achievements for any membership level.

In addition, the petitioner has not shown that the membership committee, which approved the petitioner's membership, consists of recognized national or international experts in their disciplines or fields, as required under the plain language of the criterion. As such, the petitioner has not shown that his membership in [redacted] meets this criterion.

Second, the petitioner has not shown that [REDACTED] requires outstanding achievements from its members, as required by the plain language of the criterion. The petitioner has submitted a certificate stating that he is an associate member in [REDACTED]. The certificate further states that the petitioner has “successfully met [REDACTED] requirements as an Associate [REDACTED] Member for the supervision of [REDACTED] doctoral and research masters candidates.” According to an undated letter from Professor [REDACTED] Pro Vice Chancellor (Research and Research Training), [REDACTED] membership depends on:

- Ongoing attainment of “active research status for the purposes of HDR supervision”;
- Satisfactory completion of the appropriate Supervisor Accreditation Training modules.

In response to the director’s request for evidence (RFE), the petitioner submitted online printouts from [REDACTED] relating to membership requirements and the petitioner’s certificates of training completion. These documents show that to become and remain an [REDACTED] member, university staff applicants for membership and external supervisors for associate membership must show they:

- are active in a research field, as defined by [the] faculty-specific research criteria,
- have either guided a candidate through to successful completion or successfully completed at least level one of [the] supervisor training program, [and]
- maintain a consistently high standard of supervision of research candidates.

The petitioner has not shown that these requirements – which require an applicant or a member to be active in a field, to have completed certain training requirements and to perform his supervisory duties that meet the requisite standard – constitute “outstanding achievements . . . , as judged by recognized national or international experts in their disciplines or fields.” The online printouts do not define what constitutes “a consistently high standard of supervision.” The petitioner has not shown that “a consistently high standard of supervision” constitutes “outstanding achievements” or that recognized national or international experts are the ones who judge whether an applicant or a member meets the “consistently high standard.” As such, the petitioner has not shown that his associate membership in [REDACTED] meets this criterion.

Finally, in support of his petition, the petitioner asserts that his membership on editorial boards of [REDACTED] and an invitation to become a member of the [REDACTED] editorial board constitute evidence that he meets this criterion. On appeal, the petitioner has not continued to make this assertion. As such, the petitioner has abandoned these issues, as he did not timely raise them on appeal. *Sepulveda*, 401 F.3d at 1228 n.2; *Hristov*, 2011 WL 4711885 at *9. Regardless, the record does not establish that these editorial boards are associations that admit members.

Accordingly, the petitioner has not presented documentation of his 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 has not shown that he meets this criterion. See 8 C.F.R. § 204.5(h)(3)(ii).

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. 8 C.F.R. § 204.5(h)(3)(iii).

On appeal, the petitioner asserts that he meets this criterion based on a November 26, 2011 article in the [REDACTED] and an October 27, 2011 article in [REDACTED]. While the petitioner is persuasive on appeal that major media publications in India include English language publications, the evidence does not establish that the petitioner meets this criterion.

First, the petitioner has not shown that the November 26, 2011 article appeared in a professional or major trade publication or major media. The article is entitled "[REDACTED]" and appeared in the Global Citizen Section of the [REDACTED]. The article discusses the petitioner's receipt of the best teacher award at [REDACTED]. The petitioner has submitted online printouts about the [REDACTED] stating that the [REDACTED] has a circulation of 1.45 million copies a day in India. The printouts also state that the [REDACTED] is one of the top 10 English dailies and ranks 25th by readership in India. The petitioner has not submitted evidence showing that the [REDACTED] and the [REDACTED] are one and the same. The record lacks information relating to the [REDACTED] which is the publication that published [REDACTED]. In addition, assuming the two publications are one and the same, the petitioner has not shown whether the article "[REDACTED]" was published in India or in an edition published outside of India. Specifically, as the petitioner has submitted only the circulation information of the [REDACTED] in India, the circulation information is relevant only if the petitioner also shows that the article was published in India. The petitioner has not made such a showing. Indeed, the petitioner states on appeal that the [REDACTED] has at least one edition [REDACTED] published outside of India. The record, however, lacks evidence relating to the circulation of the publication outside of India. The petitioner has not submitted evidence relating to the publication's international edition showing that it constitutes major media in the country where the international edition is published.

Second, the petitioner has not shown that the October 27, 2011 article meets this criterion. The petitioner has submitted an October 27, 2011 [REDACTED] article entitled "[REDACTED]" The article, which lists no author, appears to be promotional material for [REDACTED] which contains quotes from the petitioner discussing a university program. The material, however, is not about the petitioner, relating to his work. In fact, in the cover letter supporting the initial filing, the petitioner lists the evidence as: "Article [REDACTED] interviewing [the petitioner] about Journalism in [REDACTED]" (Emphasis added.) As such, the petitioner has not shown that the article is about him, relating to his work.

Moreover, the petitioner has not submitted evidence relating to [REDACTED] that establishes the publication is a professional or major trade publication or major media. The record includes information relating to a publication named [REDACTED] but not [REDACTED]. The petitioner has not presented evidence showing that these two publications are one and the same. In addition, as stated above, [REDACTED] does not include information on the author of the material, as required under the plain language of the criterion.

Accordingly, the petitioner has not submitted published material about him in professional or major trade publications or other major media, relating to his work in the field for which classification is sought. The petitioner has not met this criterion. See 8 C.F.R. § 204.5(h)(3)(iii).

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. 8 C.F.R. § 204.5(h)(3)(iv).

The director concluded that the petitioner met this criterion. The evidence in the record supports this conclusion. For example, the evidence shows that the petitioner served as an editor for [REDACTED] and served as a thesis advisor and evaluator for the Master of Arts Communication Arts Degree at [REDACTED]. Accordingly, the petitioner has submitted evidence of his 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. 8 C.F.R. § 204.5(h)(3)(iv).

Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. 8 C.F.R. § 204.5(h)(3)(v).

On appeal, the petitioner asserts that he has met this criterion because he has submitted copyright contracts and agreements for the commercial and business application of his research and writing. The petitioner also states that the record includes reference letters that establish that he meets this criterion.

In response to the director's RFE, the petitioner submitted documents showing that he has entered into a number of copyright, distribution and publishing agreements with publishers who have published his writings. On appeal, the petitioner asserts that these agreements show that he "has contracts with others implementing his work product." The petitioner does not elaborate on how these contracts show others implementing his work. The agreements and contracts relate to the publication of his work and they show that publishers consider the petitioner's work worthy of publishing. The regulations contain a separate criterion regarding the authorship of published articles. 8 C.F.R. § 204.5(h)(3)(vi). If the regulations are to be interpreted with any logic, it must be presumed that the regulation views contributions as a separate evidentiary requirement from scholarly articles. Publication and presentations are not sufficient evidence under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance." *Kazarian v. USCIS*, 580 F.3d 1030, 1036 (9th Cir. 2009), *aff'd in part*, 596 F.3d 1115 (9th Cir. 2010). In *Kazarian*, the court

reaffirmed its holding that our adverse finding under this criterion was not an abuse of discretion. 596 F.3d at 1122.

Typically, in considering whether a published work is a contribution of major significance, we look at the impact the work has had after publication. The petitioner has not submitted evidence showing what impact the petitioner's writings have had in the field or that the impact rises to the level of contribution of major significance in the field, such that the petitioner's work fundamentally changed or significantly advanced the field as a whole. See *Visinscaia*, 4 F. Supp. 3d at 134-35. For example, the petitioner has not submitted evidence showing that others in the field have widely cited or relied on his work in their own writing or work. Although the record includes evidence of the impact factor of certain publications that have published the petitioner's work, at issue is the impact of the petitioner's work in the field, not the impact of the publications that published the petitioner's work. The petitioner has not submitted evidence showing that all articles in the same publication have the same level of impact in the field or that his articles have garnered a significant number of citations. The petitioner submitted evidence that one of the journals for which the petitioner serves as editor, [REDACTED] "is indexed and cited in 15 international database, citation and indexing agencies." This document does not demonstrate that members of the petitioner's field have cited his published articles. The petitioner also submitted a search for his name in Google.Scholar, but the results reflect mostly articles the petitioner himself authored, which do not indicate that there are any citations for those articles. As the petitioner searched for his name without quotation marks, the petitioner has not established that the one article and one book he did not author within the results reference him, although the excerpt reproduced from one of those items suggests that the author did cite the petitioner. Regardless, the petitioner has not established that two citations demonstrate that he is cited to a degree consistent with a contribution of major significance. Notably, according to the Google.Scholar results the petitioner submitted, the book that may cite the petitioner has itself garnered 22 citations.

The record also includes a number of reference letters from his students and colleagues that provide general praise of the petitioner's publication history, teaching abilities, competence and personal character. For example, according to [REDACTED] Provost and Chief Academic Officer, [REDACTED] the petitioner has a "rich experience in the field of higher education, teaching and research" and that he "is an extremely poised and effective communicator who excels academically." Dr. [REDACTED] asserts that the petitioner's research and academic contributions "will" benefit the media community. This assertion does not establish that the petitioner has already made a contribution of major significance. Dr. [REDACTED] assertions relating to the petitioner's contributions to the university will be discussed below as they relate to the significance of the role the petitioner has performed for the university.

[REDACTED] Ph.D., Head and Senior Lecturer, Department of Mass Communication, [REDACTED] states that the petitioner is a "knowledgeable, committed and enthusiastic lecturer who gives his best in all endeavors that he undertakes." Dr. [REDACTED] Chairman and Head of the Centre for Virtual Media, [REDACTED] states that the petitioner is "very studious, hardworking, enterprising and dedicated. His conduct and

character are good. [He] is well versed in Mass Communication, Journalism, Media studies, Film and Television.” [REDACTED] Ph.D., Assistant Professor of Philosophy, Department of Humanities and Social Sciences, [REDACTED] states that the petitioner is “an engaging and popular teacher,” “a very critically engaging researcher, willing to look at the media’s transformative potential from within a social context,” has “deep academic interest,” and has “admirable” personal qualities. [REDACTED] Lecturer at the Department of Communications and Journalism, [REDACTED] states that the petitioner’s “knowledge in Communication, Journalism, Media Studies, Film and Television is really good.” Dr. [REDACTED] Associate Professor and Head of School (Education), School of Arts and Social Sciences, [REDACTED] states that the petitioner “is a committed teacher, passionate about teaching communication and journalism, and very helpful to students, both in class and outside class.”

Dr. [REDACTED] Course Coordinator, Department of Advertising Management and Public Relations, [REDACTED] of Science and Technology, states that the petitioner “belongs to the exceptionally sound breed of technology savvy media teachers who has successfully demonstrated his teaching ability in his parent university and far and wide in Malaysia and Australia.” While Dr. [REDACTED] asserts that he personally benefitted from the petitioner, resulting in Dr. [REDACTED] resolution to work jointly with the petitioner, Dr. [REDACTED] does not elaborate on the petitioner’s influence on Dr. [REDACTED] own work.

[REDACTED] Lecturer of Communication, School of Arts and Social Sciences, [REDACTED] states that the petitioner “takes great pride in his teaching role, preparing extremely comprehensive lecture materials and spends a great deal of time training students in the theoretical and practical aspects of the journalism profession.” Dr. [REDACTED] mentions a joint project with the petitioner and praises his networking skills, but does not explain the nature or impact of this project.

Although the petitioner’s references provide general praise of the petitioner, they do not provide any specific example of what the petitioner has done that is original, such that he is the first person or one of the first people to have done it, or that what he has done is of major significance to the field, such that the petitioner’s work has fundamentally changed or significantly advanced the field of education as a whole. Some of the petitioner’s work, such as his development of certain academic programs as discussed by Dr. [REDACTED] might have impacted his former or current employers. To meet this criterion, however, the petitioner must show impact in the field as a whole. Simply performing duties associated with one’s occupation for the benefit of one’s employer is not, without a wider influence in the field, a contribution of major significance in the field. Regardless of the field, the plain language of the phrase “contributions of major significance in the field” requires evidence of an impact beyond one’s employer and clients or customers. *See Visinscaia*, 4 F. Supp. 3d at 134-35 (upholding a finding that a ballroom dancer had not met this criterion because she did not demonstrate her impact in the field as a whole).

The petitioner has also submitted evidence of his presentations at conferences. For example, according to [redacted] Associate Provost, [redacted] the petitioner presented his research paper at “the [redacted] which has a 17 percent acceptance rate of research papers. To show that the petitioner has made contributions of major significance in the field, the petitioner must establish the impact of his work after its dissemination in the field. Being selected to present at a conference or publish an article in a publication is evidence of the petitioner’s dissemination of his work. The petitioner must then show the impact of his work in the field after dissemination and must show that the impact rises to the level of major significance in the field as a whole. The petitioner has not made such a showing.

Some of the reference letters include conclusory statements that are not supported by evidence in the record. For example, according to Mr. [redacted] the petitioner “is widely cited and refereed [sic] by leading scholars in the field.” Neither Mr. [redacted] nor the petitioner, however, has provided information relating to the citation of or reliance on the petitioner’s work and the petitioner did not submit evidence that substantiates Mr. [redacted] assertion that the petitioner is widely cited and referenced. As discussed above, the evidence relating to citations does not, in fact, demonstrate more than a very small number of citations. Similarly, according to Dr. [redacted] Assistant Professor, Communication and New Media, [redacted] the petitioner “has been noted for his innovative teaching, for his ability to combine practical and theoretical orientation in his pedagogy and for enriching curriculum through prioritization of institutional interests that help improve students [sic] overall capabilities and competencies.” Neither Dr. [redacted] nor the petitioner has identified what aspects of the petitioner’s teaching methods are original, or shown that the petitioner’s teaching methods constitute contributions of major significance in the field as a whole, such as evidence of a wide adoption of his methods in the field. Dr. [redacted] further states that the petitioner’s work “is both important and relevant” and that Dr. [redacted] has “personally benefited from reading [the petitioner’s] research on new media in India.” Dr. [redacted] does not explain how he has benefited from the petitioner’s work, or state that he has either cited or relied on the petitioner’s work in his own writing or research. Going on record without supporting documentary evidence is not sufficient for the purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Assoc. Comm’r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg’l Comm’r 1972)).

Vague letters from colleagues that do not specifically identify contributions or provide specific examples of how those contributions influenced the field are insufficient.³ *Kazarian*, 580 F.3d at 1036, *aff’d in part*, 596 F.3d at 1115. The opinions of experts in the field 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 Int’l*, 19 I&N Dec. 791, 795 (Comm’r 1988).

³ In 2010, the *Kazarian* court reiterated that our conclusion that “letters from physics professors attesting to [the petitioner’s] contributions in the field” were insufficient was “consistent with the relevant regulatory language.” 596 F.3d at 1122.

However, 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, as this decision has done above, evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795; *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"). USCIS may even give less weight to an opinion that is not corroborated, in accord with other information or is in any way questionable. *Id.* at 795; *see also Matter of Soffici*, 22 I&N Dec. at 165 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. at 190); *See Visinscaia*, 4 F. Supp. 3d 126, 134-35 (upholding our decision to give minimal weight to vague, solicited letters from colleagues or associates that do not provide details on contributions of major significance in the field).

Accordingly, the petitioner has not presented evidence of his original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. The petitioner has not met this criterion. *See* 8 C.F.R. § 204.5(h)(3)(v).

Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media. 8 C.F.R. § 204.5(h)(3)(vi).

The director concluded that the petitioner met this criterion. The evidence in the record supports this conclusion. The petitioner has presented evidence showing his authorship of a number of articles, including: (1)

[redacted] published in the [redacted]

(2) [redacted] published in the [redacted]

(3) [redacted] published in the [redacted]

Accordingly, the petitioner has presented evidence of his authorship of scholarly articles in the field, in professional or major trade publications or other major media. The petitioner has met this criterion. *See* 8 C.F.R. § 204.5(h)(3)(vi).

Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii).

On appeal, the petitioner asserts that he meets this criterion because of his role at [redacted] the School of Arts and Sciences at [redacted] and because of his role as the chief editor of [redacted]. The petitioner has not shown that he meets this criterion.

First, although the petitioner shows that he has performed a leading and critical role for [redacted] he has not shown that the university has a distinguished reputation. According to Dr. [redacted] the petitioner "leads [the] master's degree program in Communication Arts . . . as the Graduate Coordinator" at [redacted]. He is "responsible in designing and introducing new courses for the Communication and Media Program at the Institute of Communication,

Entertainment and Media.” Dr. [REDACTED] states that the petitioner is “an invaluable asset to the [REDACTED].” According to Dr. [REDACTED] the petitioner is the Graduate Coordinator, “head[ing] and lead[ing the] Master’s Program in Communication Arts” and is a member of the [REDACTED] that is “committed to advisement, retention and matriculation of students.” Dr. [REDACTED] states that the petitioner set up an internship program for students at the [REDACTED] that “greatly helped many of the undergraduate students . . . to get more professional exposure and high employment opportunities.” According to [REDACTED] Ph.D., Professor and Director the [REDACTED] the petitioner has “added to the academic prestige” of the [REDACTED] by helping faculty and students to publish their research in journals. In a separate letter, dated December 9, 2013, Dr. [REDACTED] states that the petitioner “is undoubtedly one of the inevitable leaders and the most essential faculty Professors” in the [REDACTED]. According to Dr. [REDACTED] Assistant Professor, [REDACTED] the petitioner demonstrated leadership in student recruitment by creating marketing material and recruitment activities, which resulted in a fourfold increase in the number of student enrolled in his program. The evidence in the record shows that the petitioner performs a leading or critical role for [REDACTED].

The petitioner, however, has not shown that [REDACTED] has a distinguished reputation. According to Dr. [REDACTED] November 22, 2013 letter, [REDACTED] is a not-for-profit Catholic institute of higher learning. According to an online printout from College Compass, U.S. News, [REDACTED] ranks 62 in the category of Regional Universities (South). The printout states that the school “is less selective, with an acceptance rate of 45.7 percent.” The petitioner has not shown that the evidence in the record establishes that [REDACTED] is an organization or establishment that has a distinguished reputation, as required under the plain language of the criterion.

Second, although the petitioner has shown that he performed a leading or critical role for [REDACTED] in Malaysia, he has not shown that [REDACTED] is an organization or establishment that has a distinguished reputation. According to a November 18, 2013 letter from [REDACTED] Ph.D., Adjunct Professor and Former Head, School of Arts and Social Sciences, [REDACTED] the petitioner was “[i]nstrumental in launching [a] Journalism Major for [an] Undergraduate Degree for the first time by an [REDACTED] campus in Malaysia” and increased the number of students in the program from nine to 52 in three years. Dr. [REDACTED] states that while at [REDACTED] the petitioner launched an internship program, established an audio visual lab and studio and served as the coordinator for the school orientation program. According to Dr. [REDACTED] the petitioner “has been especially helpful as the School representative on the Campus library committee and importantly as the Transition Coordinator responsible for executing the School’s Transition Programme for new students making the transition from pre-university to university-level studies.” According to Dr. [REDACTED] the petitioner “has been influential in improving the resources provided to [the] students via his role on the campus-wide Library and Learning Commons Committee and has taken a

leadership role in [the] school's summer internship unit." The evidence in the record shows that the petitioner performed a leading or critical role for [REDACTED]

The petitioner, however, has not shown that [REDACTED] has a distinguished reputation. Specifically, the petitioner has not shown that [REDACTED] Sunway [REDACTED] where he had worked, shares the same reputation as [REDACTED] in Australia. The evidence shows that the [REDACTED] is one of multiple [REDACTED] international campuses. The petitioner has not shown that [REDACTED] are one and the same, such that they share the same reputation and prestige. Assuming *arguendo* that [REDACTED] in Australia are one and the same, the evidence in the record is insufficient to show that [REDACTED] has a distinguished reputation. According to an online printout entitled "[REDACTED]" [REDACTED] had a score of 73.70 and ranked 69 in a 2013 world university ranking. The petitioner has not provided information relating to how the score and rank are determined or the accuracy of the information contained in the printout. The petitioner has also submitted online printouts from [REDACTED] stating that the university is among the top one percent of world universities and has been ranked as one of the top 100 universities in the world. These online printouts constitute self-promotional evidence and have minimal evidentiary value. *See Braga v. Poulos*, 2007 WL 9229758, at *7 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680 (9th Cir. 2009) (concluding that we did not have to rely on the promotional assertions on the cover of a magazine as to the magazine's status as major media). The petitioner has not supported the self-promotional evidence with more independent evidence, such as, but not limited to, independent journalistic coverage of the university's reputation, prestige or standing in internationally or nationally circulated publications.

Third, although the petitioner has shown that he performed a leading or critical role for the Department of Communication and Journalism at [REDACTED] he has not shown that the Department is an organization or establishment that has a distinguished reputation. Dr. [REDACTED] Professor and Director, School of Social Sciences, [REDACTED] provided two letters in support of the petition. In his first letter, dated May 20, 2013, Dr. [REDACTED] discusses the petitioner's study as a student and work as a faculty member at [REDACTED]. Dr. [REDACTED] concludes his letter with "I highly recommend him for employment with your organization." In his second letter, dated November 20, 2013, Dr. [REDACTED] provides similar information. In addition, Dr. [REDACTED] states that the petitioner was "instrumental in conceptualizing and beginning [our] Masters Degree Program in Communication and Journalism," was the "Chair and the Coordinator for the three days long [REDACTED] was a member of the "syllabus and curriculum revision committee," and was "the Chairman for the Board of Examination for the Masters Degree in Communication & Journalism, Master Degree in Film and Television Studies, Bachelors Degree in Communication Arts, Bachelors Degree in Virtual Media." The evidence in the record shows that the petitioner performed a leading or critical role for the Department of Communication and Journalism at [REDACTED]

The petitioner, however, has not shown that the Department of Communication and Journalism at [REDACTED] has a distinguished reputation independent of the University. The petitioner has submitted letters from individuals who worked for or studied at the [REDACTED] however, the petitioner has not submitted evidence relating to the reputation or prestige of the university, or more specifically, the university's Department of Communication and Journalism. The plain language of the criterion requires the petitioner to show he has performed a leading or critical role for "organizations or establishments that have a distinguished reputation." The petitioner has not made such a showing as relating to the Department of Communication and Journalism at [REDACTED].

Fourth, although the petitioner has shown that his role as the Editor-in-Chief for [REDACTED] constitutes a leading or critical role, the petitioner has not shown that [REDACTED] is an organization or establishment that has a distinguished reputation. According to online printouts from [REDACTED] and information printed in the publication, [REDACTED] is an international research journal on communication and media. The petitioner has not submitted information relating to the publication's recognition or impact in the field, or evidence that individuals not associated with the publication consider the publication to have a distinguished reputation. The evidence submitted to show the reputation of the publication is from the publication itself or individuals associated with the publication. Such self-promotional evidence has minimal evidentiary value. *See Braga*, 2007 WL 9229758, at *7. The petitioner has not supported the self-promotional evidence with more independent evidence demonstrating the publication's reputation or prestige in the field.

On appeal, counsel asserts that [REDACTED] is "listed in [REDACTED]" [REDACTED]. The petitioner, however, has not submitted evidence showing that these services list only publications that have a distinguished reputation. On appeal, counsel also asserts that [REDACTED] "is one of the highest impact and cited research journals in the discipline of Communication, Journalism and Media," but the petitioner has submitted no evidence to substantiate this assertion. Without documentary evidence to support the assertions, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1,3 n.2 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

Finally, the petitioner has submitted additional evidence in support of this criterion, including evidence relating to his editorial role in other publications, such as [REDACTED].

On appeal, the petitioner has not continued to assert that he meets this criterion based on this evidence. Accordingly, the petitioner has abandoned this issue, as he did not timely raise it on appeal. *Sepulveda*, 401 F.3d at 1228 n.2; *Hristov*, 2011 WL 4711885 at *9. In addition, the petitioner has not submitted sufficient evidence showing that the publications have a distinguished reputation. Moreover, the petitioner has not submitted sufficient evidence relating to the duties he has as an editor, the number of editors or how an editor fits within the hierarchy of each publication. Notably, the petitioner has not shown that every editor in every publication performs either a leading or critical role for the publication, as a whole.

Accordingly, the petitioner has not presented evidence that he has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. The petitioner has not met this criterion. See 8 C.F.R. § 204.5(h)(3)(viii).

Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales. 8 C.F.R. § 204.5(h)(3)(x).

On appeal, the petitioner asserts that the copyright, distribution and publishing agreements with publishers that the petitioner has executed constitute evidence that he meets this criterion. The petitioner, however, has not established that this criterion applies to him, as he is an educator, and the criterion specifically refers to commercial success in the performing arts.

Moreover, the petitioner has not shown that the agreements constitute comparable evidence that establishes his eligibility under the regulation at 8 C.F.R. § 204.5(h)(3)(x). The regulation provides: "If the above standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility." The agreements do not provide information relating to compensation that the petitioner has received for his work or writings. The petitioner has also not submitted evidence relating to what constitutes commercial success, i.e., the level of compensation that makes one's work a commercial success, in the petitioner's field.

Accordingly, the petitioner has not presented 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 not met this criterion. See 8 C.F.R. § 204.5(h)(3)(x). The petitioner has also not submitted comparable evidence to establish his eligibility. See 8 C.F.R. § 204.5(h)(3)(x),

C. Summary

The evidence in the record – including evidence showing that the petitioner is a prolific author and a successful lecturer and professor – does not establish the petitioner's eligibility for the exclusive classification sought. We have considered all the evidence in the record, including evidence not specifically mentioned above, and for the reasons discussed above, we agree with the director's finding that the petitioner has not submitted the requisite initial evidence, in this case, evidence that satisfies three of the ten regulatory criteria.

III. CONCLUSION

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 his or her field of endeavor.

Had the petitioner submitted the requisite evidence under at least three evidentiary categories, in accordance with the *Kazarian* opinion, the next step would be 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 field of endeavor," 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." 8 C.F.R. § 204.5(h)(2) and (3); *see also Kazarian*, 596 F.3d at 1119-20. As the petitioner has not done so, the proper conclusion is that the petitioner has failed to satisfy the antecedent regulatory requirement of presenting evidence that satisfied the initial evidence requirements set forth at 8 C.F.R. § 204.5(h)(3) and (4). *Kazarian*, 596 F.3d at 1122. Nevertheless, although we need not provide the type of final merits determination referenced in *Kazarian*, a review of the evidence in the aggregate supports a finding that the petitioner has not demonstrated the level of expertise required for the classification sought.⁴

The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed.

⁴ We maintain *de novo* review of all questions of fact and law. *See Soltane v. United States Dep't of Justice*, 381 F.3d 143, 145 (3d Cir. 2004). In any future proceeding, we maintain the jurisdiction to conduct a final merits determination as the office that made the last decision in this matter. 8 C.F.R. § 103.5(a)(1)(ii); *see also* INA §§ 103(a)(1), 204(b); DHS Delegation Number 0150.1 (effective March 1, 2003); 8 C.F.R. § 2.1 (2003); 8 C.F.R. § 103.1(f)(3)(iii) (2003); *Matter of Aurelio*, 19 I&N Dec. 458, 460 (BIA 1987) (holding that legacy INS, now USCIS, is the sole authority with the jurisdiction to decide visa petitions).