U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

(b)(6)

DATE: AUG 1 2 2015

FILE #:
PETITION RECEIPT #:

IN RE: Petitioner:
Beneficiary:

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

ON BEHALF OF PETITIONER:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based immigrant visa petition. We subsequently dismissed the petitioner's appeal. The matter is now before us on a motion to reopen. We will reopen the matter on motion and reaffirm our prior decision.

I. Motion to Reopen

The regulation at 8 C.F.R. § 103.5(a)(1)(iii)(C) informs the public of the filing requirements for a motion and provides, in pertinent part, that a motion must be: "Accompanied by a statement about whether or not the validity of the unfavorable decision has been or is the subject of any judicial proceeding and, if so, the court, nature, date, and status or result of the proceeding."

In the instant motion, the petitioner has not submitted a statement indicating if the validity of our March 23, 2015 unfavorable decision has been or is the subject of any judicial proceeding. The regulation at 8 C.F.R. § 103.5(a)(4) requires that "[a] motion that does not meet applicable requirements shall be dismissed." Regardless, the petitioner has not otherwise shown her eligibility for the petition. Accordingly, we reaffirm our prior decision.

A motion to reopen must state the new facts to be provided and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that our original decision was based on an incorrect application of law or United States Citizenship and Immigration Services (USCIS) policy. 8 C.F.R. § 103.5(a)(3). A motion to reconsider contests the correctness of the original decision based on the previous factual record, as opposed to a motion to reopen which seeks a new hearing based on new or previously unavailable evidence. *Compare* 8 C.F.R. § 103.5(a)(3) and 8 C.F.R. § 103.5(a)(2).

In support of her motion, the petitioner has submitted: (1) a March 30, 2015 letter from , a licensed clinical psychologist; (2) a March 29, 2014 letter from , part-time faculty, Departments of Psychology and Marriage and Family Therapy, University; (3) an undated letter from Operations Director, ; (4) a July 30, 2012 email from , a ' in Southern California; (5) online printouts from website, ; (6) two partial copies of the petitioner's articles entitled " and ' posted on website, (7) the petitioner's article entitled posted on website; (8) an online printout from a library's website announcing a workshop by the petitioner; (9) a February 4, 2013 letter from Core Faculty Counseling Psychology, University – (10) foreign language documents that lack certified English translations; (11) relating to the petitioner's book, ; (12) online printouts relating to the petitioner's app, (13) a May 17, 2013 article by entitled ' that quotes the petitioner; (14) an online printout from the petitioner as a guest on a podcast in 2013; (15) an online printout from the radio show listing the

petitioner as a guest; (16) an October 17, 2014 article entitled posted on that quotes the petitioner; and (17) a screenshot of the petitioner's appearance on a television show. On motion, the petitioner asserts that she, as a Dream Expert, meets the criteria set forth under the regulations at 8 C.F.R. § 204.5(h)(3)(ii), (iii), (v), (vi) and (viii).

> *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 motion, the petitioner asserts that she meets this criterion because she is a member of ; has an Internet Movie Database (IMDB) profile and presented at the . The petitioner has not shown that she meets this criterion.

First, as discussed in our March 23, 2015 decision, the petitioner has not shown that requires outstanding achievements of its members, as judged by recognized national or international experts, as required by the plain language of the criterion. On motion, the petitioner resubmits an undated letter from and a July 2012 email from . In our previous decision, we noted that the submitted evidence does not provide the requirements for membership in . The petitioner has not addressed that concern on motion. We reaffirm that neither nor explains what the requirements are to become a member of or assert that recognized national or international experts evaluate the eligibility of prospective members.

On motion, the petitioner also submits online printouts from website, including a picture of the petitioner and other individuals who participated in an conference and the petitioner's biography. None of the newly submitted evidence relates to membership requirements or establishes that the requires outstanding achievements of its members, as judged by recognized national or international experts. The record does not contain constitution or bylaws setting forth the membership requirements for the organization. As discussed in our previous decision, the petitioner's involvement in the relates to the leading or critical role criterion at 8 C.F.R. § 204.5(h)(3)(viii), which we discuss below. At issue for this criterion, however, is not the petitioner's role for the , but her membership status and whether requires outstanding achievements of its members. The record lacks evidence relating to membership requirements, and lacks evidence showing that "recognized national or international experts in their disciplines or fields" judge the "outstanding achievements" of members. As such, the petitioner has not shown that her membership meets this criterion.

Second, as discussed in our previous decision, the petitioner has not shown that is an association that accepts members. On motion, the petitioner has not submitted additional evidence relating to her association with the Instead, she states that includes her profile in its database because she appeared on a show. The petitioner further states that the database "can only be added by established TV networks and movie production companies." The petitioner made the same assertions on appeal, which we concluded do not establish that the

petitioner is a "member" of the . Rather, the evidence shows that is an online database that provides information on individuals who have received credit for appearing on television shows, movies and other productions. In this case, the petitioner received credit for her appearance on a December 2013 episode of the television show as a dream analyst. The record, however, lacks evidence showing that the accepts members. In addition, even if the petitioner has shown that she is a member of the she has not shown that requires "outstanding achievements" of the individuals whose information that it posts, or that the "outstanding achievements" are judged by "recognized national or international experts in their disciplines or fields." As such, the petitioner has not shown that her profile meets this criterion. Instead, because it relates to an appearance on this information is relevant to the published material criterion, which the petitioner meets.

Third, on motion, the petitioner asserts that her involvement with the meets this criterion. The petitioner submits two foreign language documents and states that they show the invited her to present at a event and featured her in its magazine. The regulation at 8 C.F.R. § 103.2(b)(3) provides: "Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which 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." As the record lacks certificated English translations for the documents, the foreign language documents have minimal evidentiary value. In addition, the petitioner has not submitted evidence showing that she is a "member" of the as required by the plain language of this criterion, or that the requires outstanding achievements of its members, as judged by recognized national or international experts. As such, the petitioner has not shown that her involvement with the meets this criterion.

Accordingly, the petitioner has not presented documentation of her 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 met 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 motion, the petitioner submits an October 17, 2014 article entitled ' which quotes the petitioner's opinions on dream interpretation. This evidence postdates the filing of the petition. Regardless, we previously concluded in our appellate decision that the petitioner met this criterion. The petitioner appeared on the television show as a dream analyst in December 2013 and the show was broadcasted on the television channel, which constitutes "major media." Accordingly, the petitioner has submitted published material about her in professional or major trade publications or other major media,

relating to her work in the field for which classification is sought. The petitioner has met this criterion. *See* 8 C.F.R. § 204.5(h)(3)(iii).

> *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 motion, the petitioner asserts that she meets this criterion because she has authored released a new version of the and presented seminars and workshops at the Public Library and conferences. The petitioner has not met this criterion. 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 v. Beers*, 4 F. Supp. 3d 126, 134-35 (D.D.C. 2013) (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).

First, the petitioner has not shown what impact her book has had in the field of psychology. On motion, the petitioner submits an online printout from The petitioner states that the printout shows that her book "has been well received not only by the dream psychology community, but also by the general public." The evidence in the record does not support the petitioner's assertion. Neither the printout nor any other evidence in the record establishes how many copies of her 2013 books have been sold. The printout shows that her book has received three reviews and has a five-star aggregate review score. This evidence shows that three reviewers liked the petitioner's book. The limited number of reviews from unidentified individuals, however, does not establish what impact, if any, the book has had on the field of psychology as a whole.

On motion, the petitioner submits two reference letters. The letter from states that the petitioner's book "offers an excellent overview of dream psychology, helping readers gain [a] better understanding of themselves by working with their own dreams, and significantly enhancing their own wellbeing." The letter further states that "[t]hrough her popular books and seminars, [the petitioner] positively impacts the life of many people, providing them with the tools to work with their own dreams" and that her "innovative work in the field of dream psychology has raised the bar for other experts in the field." The letter from states that the petitioner's book was a "best-sell[er]" and that she "is making a positive difference in people's lives with her continuing contributions, and innovative work." Merely repeating the language of the statute or regulations does not satisfy the petitioner's burden of proof. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990); *Avyr Associates, Inc. v. Meissner*, 1997 WL 188942 at *5 (S.D.N.Y.). The reference letters in the record are conclusory, and do not include any specific evidence on what the petitioner has done that is either original, such that she is the first person or one of the first people to have done it, or evidence showing that the petitioner's work constitutes contributions of major significance in the field, such that her work fundamentally changed or significantly advanced the field as a whole. USCIS need not accept primarily conclusory assertions. *1756, Inc. v. The Attorney General of the United States,* 745 F. Supp. 9, 15 (D.C. Dist. 1990); *see also Visinscaia*, 4 F. Supp. 3d at 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).

Neither letter nor any other evidence in the record includes evidence showing how many copies of her book the petitioner has sold or evidence showing that her book is a best-seller. 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)).

Second, the petitioner has not shown that the release of a new version of her app in February 2015, over a year after she filed her petition in January 2014, establishes that she meets this criterion. As discussed in our previous decision, it is well established that the petitioner must demonstrate eligibility for the visa petition at the time of filing. *See* 8 C.F.R. § 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). The petitioner cannot secure a priority date based on the anticipation of a future event at a level consistent with contributions of major significance. *See Matter of Wing's Tea House*, 16 I&N Dec. 158, 160 (Reg'l Comm'r 1977); *Matter of Izummi*, 22 I&N Dec. 169, 175-76 (Assoc. Comm'r 1998) (adopting *Matter of Bardouille*, 18 I&N Dec. 114 (BIA 1981) for the proposition that USCIS cannot "consider facts that come into being only subsequent to the filing of a petition.") As such, the release of her app in March 2014 or the release of a new version of the app in February 2015 does not establish that she meets this criterion.

In addition, the evidence in the record does not show that her app has had an impact in the field consistent with a finding of "major significance." states that the new version of the petitioner's app is "particularly encouraging" because "it enables users to help each other, and dream of better answers together." asserts that the app "enables dreamers to connect on a global scale, making a positive impact on people's lives by encouraging the exploration of unconscious patterns and themes embedded in dreams." These reference letters describe the app and its positive attributes, but they do not provide specific evidence showing that the impact of the app on the field of psychology is at a level consistent with a contribution of "major significance" in the field. The record lacks information on how many people in the field have used or been influenced by the app.

Finally, as discussed in our previous decision, the petitioner has not shown what impact her public engagements have had in the field. On motion, the petitioner submits online printouts from Public Library and the and a February 4, 2013 letter from showing that the petitioner has offered workshops and seminars, and made presentations on dream interpretation. This evidence shows that the petitioner has disseminated her work in the field and to the general public. The evidence does not establish what impact her work has had in the field after its dissemination. To meet this criterion, the petitioner must demonstrate that the impact of her work is such that her work fundamentally changed or significantly advanced the field of psychology. Without evidence of impact, the petitioner has not shown that her public engagements constitute contributions of major significance in the field.

Accordingly, the petitioner has not presented evidence of her 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).

On motion, the petitioner asserts that she meets this criterion because she has authored articles posted on website. As supporting evidence, the petitioner resubmits two incomplete articles entitled and and one complete article entitled The petitioner has not met this criterion.

The petitioner has not shown that is a professional or major trade publication or other major media. On appeal, the petitioner asserted that constituted "other media." As stated in our prior decision, to meet this criterion, the petitioner must demonstrate through her evidence that is "other *major* media." (Emphasis added.) On motion, the petitioner does not address whether is major media. We reaffirm our prior conclusion that the record lacks information relating to or its website, such as its reach, readership or distribution, that shows that it constitutes "other major media."

In addition, the petitioner has not shown that her articles constitute scholarly articles. The petitioner has previously submitted which consists of five paragraphs, and "A which consists of four paragraphs. On motion, the petitioner submits an incomplete copy of " showing that it has at least two paragraphs. As noted in our previous decision, the petitioner's articles lack citations, charts or graphs that usually accompany scholarly articles. In addition, the petitioner has not submitted evidence showing that her articles have been subjected to peer-review or edited by an editor. Unlike scholarly articles, the petitioner's articles constitute her personal opinions on specific topics that have not been reviewed, verified or substantiated by anyone else in the field. The petitioner submits evidence showing that has garnered 131 tweets. The petitioner has not explained the significance of this information or shown that the number of tweets is relevant evidence under this criterion. In the alternative, the petitioner has not demonstrated that other experts in the field consider her articles scholarly, such as but not limited to, citation of her articles in their own scholarly work. The petitioner's statement on motion does not discuss what makes her articles scholarly. Accordingly, the petitioner has not shown that her articles constitute scholarly articles.

Accordingly, the petitioner has not submitted evidence of her authorship of scholarly articles in the field, in professional or major trade publications or other major media. The petitioner has not 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 motion, the petitioner asserts that she meets this criterion because she has played critical roles for the She states that she was a member of the organizing committee for the in 2011 and has held two research seminars at conferences. As supporting evidence, the petitioner resubmits an undated letter from and a July 2012 email from The petitioner had previously submitted the same evidence in support of her petition. The petitioner has not met this criterion.

First, as discussed in our previous decision, undated email does not establish that the petitioner has performed either a leading or critical role for the letter states that the petitioner "presented an outstanding symposium" at the and that the presentation was well received. further states that petitioner "has an extraordinary ability to work with people's dreams, and is also a very inspiring dream speaker." The letter does not provide information on the petitioner's association with the other than being one of its presenters at its regional conference. The letter does not discuss the petitioner's title or her duties in the which relate to whether the petitioner has performed a leading role for the . The letter also does not discuss the petitioner's impact in the as a whole, which relates to whether the petitioner has performed a critical role for the As such, the letter does not establish that the petitioner meets this criterion.

Second, we considered email in our previous decision, and concluded that the email did not establish that the petitioner meets this criterion. As noted, although states in her email that the petitioner had "an active part" in the 2011 conference's organizing committee, she does not provide any specific information relating to the petitioner's duties, title or impact on the organizing committee. primarily conclusory assertions provide insufficient detail. *See 1756, Inc.*, 745 F. Supp. at 17. Moreover, the petitioner has not shown that the organization committee constitutes an organization or establishment that has a distinguished reputation. As such, the email does not establish that the petitioner meets this criterion.

Third, although the record shows that the petitioner has presented at the the petitioner has not shown that being one of the 20 presenters at a regional conference constitutes her performing either a leading or a critical role for the or any other organization. On motion, the petitioner asserts that she "has held two major research seminars at conferences." She submits online printouts from website that provide information on the petitioner's presentation and biographic information. None of the online printouts, however, establish that the petitioner meets this criterion. As discussed in our previous decision, the petitioner has not presented evidence showing that her title and duties within the are indicative of her leading role, or evidence showing that her impact on the is indicative of her critical role. In addition, the record lacks evidence showing that the has a distinguished reputation.

Accordingly, the petitioner has not presented evidence that she 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).

> *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.* 8 C.F.R. § 204.5(h)(4).

On motion, the petitioner asserts that her status as a parent of a U.S. citizen child constitutes qualifying comparable. As discussed in our previous decision, to show the applicability of this regulation, the petitioner must explain how the ten regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to her occupation, specify what evidence in the record constitutes comparable evidence, and describe how the evidence is comparable to the evidence required under the ten criteria. The petitioner has not established how her parental status relates or is comparable to any of the ten criteria under the regulations at 8 C.F.R. § 204.5(h)(i)-(x). When reviewing the petitioner's motion, we must follow the guidelines set forth in the Act, regulations and case law, which do not allow us to consider the petitioner's parental status as relevant to whether she enjoys sustained national or international acclaim in her field. Accordingly, the petitioner has not demonstrated that the ten criteria do not readily apply to her occupation or shown that she has submitted evidence that is comparable to that required under the evidentiary criteria at 8 C.F.R. § 204.5(h)(3).

II. Conclusion

In most administrative immigration proceedings, the petitioner must prove by a preponderance of the evidence that she is eligible for the benefit sought. *Matter of Chawathe*, 25 I&N Dec. 369 (AAO 2010). The truth is to be determined not by the quantity of evidence alone but by its quality. *Id.* at 376. In this case, the petitioner has not shown by a preponderance of the evidence that she is eligible for the exclusive classification sought.

Although the petitioner has submitted new evidence in support of a motion to reopen, she has not shown that she meets the eligibility for the classification sought. Therefore, we affirm our previous decision denying her petition. *See* 8 C.F.R. § 103.5(a)(2).

The burden of proof in visa petition proceedings remains entirely with the petitioner. 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. Accordingly, the petition remains denied.

ORDER: The motion is granted, our March 23, 2015 decision is affirmed, and the petition remains denied.