

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF E-E-

DATE: SEPT. 11, 2015

MOTION OF AAO DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, an individual who focuses on "creativity as it relates to public policy," seeks classification as a person "of extraordinary ability." See Immigration and Nationality Act (the Act) § 203(b)(1)(A); 8 U.S.C. § 1153(b)(1)(A). The Director, Nebraska Service Center, denied the petition. The Petitioner appealed the denial to this office and we dismissed the appeal. The matter is now before us on a motion to reconsider. The motion will be denied.

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. *Id*.

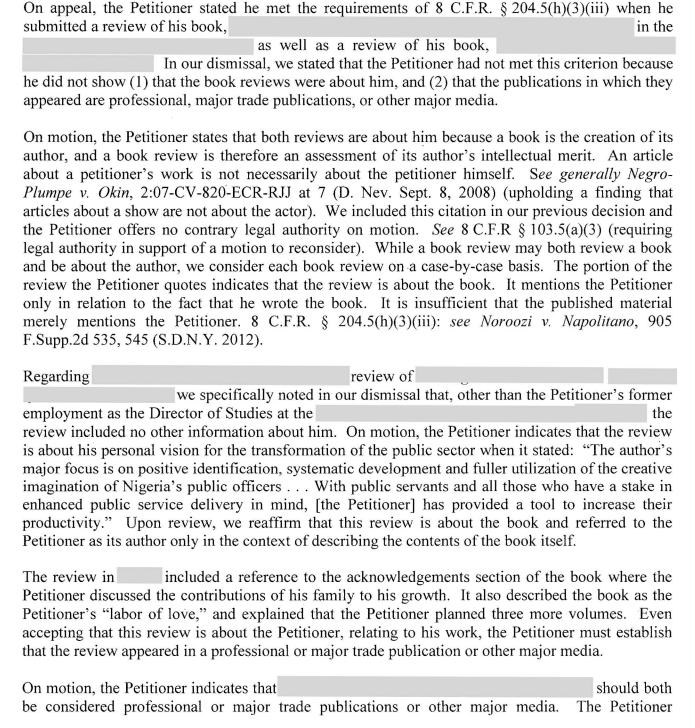
The regulation at 8 C.F.R. § 103.5(a)(1)(iii)(C) provides, in pertinent part, that a motion must be: "Accompanied by a statement about whether or not the validity of the unfavorable decision has been or is the subject of any judicial proceeding and, if so, the court, nature, date, and status or result of the proceeding." In the instant motion, the Petitioner has not included a statement indicating if the validity of our January 26, 2015, decision has been or is the subject of any judicial proceeding. Regardless, the Petitioner has not otherwise shown his eligibility for the classification sought. Accordingly, we reaffirm our prior decision.

In support of his mot	ion, the Petitioner submits a brief as well as copies of the following previous	ously
provided evidence: ((1) a book review published in in 2002 for the Petitioner's book,	
(2) a book review published in		
in 1994 for the Petitic	oner's book,	and
(3) a letter from the	New York to the	
,	, Nigeria dated 2004 regarding the Sister City relation	iship
between		

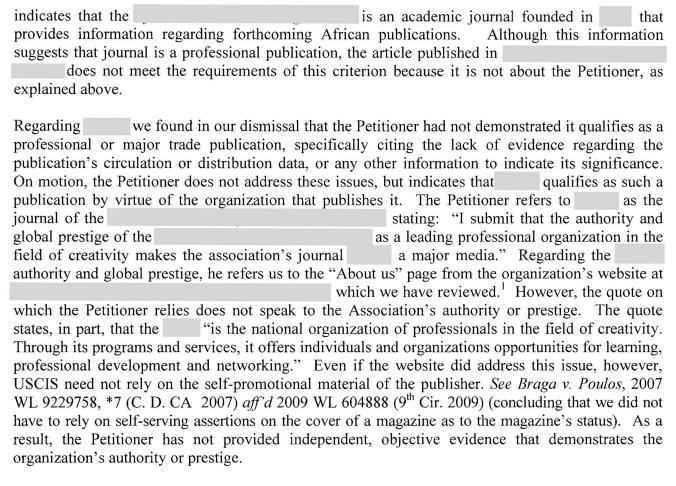
The Petitioner asserts that we erred in our determination that the evidence submitted does not meet the criteria set forth under the regulations at 8 C.F.R. § 204.5(h)(3)(iii), (v), and (viii). He does not cite legal authority in support of his position, but he does state the reasons he disagrees with our application of the law. We address the Petitioner's arguments made on motion below.

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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.



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In addition, the Petitioner is not persuasive that the authority or prestige of a publishing organization is sufficient to establish that one of its publications is a professional or major trade publication or other major media. The reputation of the issuing organization is an important factor to consider in evaluating a publication. However, an authoritative and prestigious organization may issue publications that do not fit these criteria. It remains that the Petitioner has not documented the distribution or circulation of the publications.

Accordingly, we reaffirm our previous finding that the Petitioner has not presented documentation of published material about himself in professional or major trade publications or other major media, relating to his work in the field for which classification is sought.

¹ See _______ accessed September 8, 2015 and incorporated into the record of proceeding.

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

The Petitioner originally provided information about his book publications and letters of recommendation in support of this criterion. In our dismissal, we found that the evidence presented did not demonstrate that the Petitioner's works are of major significance in the field.

On motion, the Petitioner states: "Original discoveries and authorship of critically acclaimed and widely distributed books qualify me as having met the criterion of original scholarly contributions of major significance." However, the Petitioner has not demonstrated the wide distribution of his books. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Assoc. Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)).

While the Petitioner has provided the previously-cited book reviews, he has not shown that publishing books which receive positive reviews at the time of publication is indicative of a contribution of major significance in the field once disseminated in the field. The evidentiary requirements of this criterion necessitate that the Petitioner demonstrate that his works have constituted contributions of major significance in the field as a whole. Both book reviews, though favorable, predate the filing of the petition by at least ten years. The Petitioner has not offered evidence that the reviewed books have had an impact on the field after the favorable reviews.

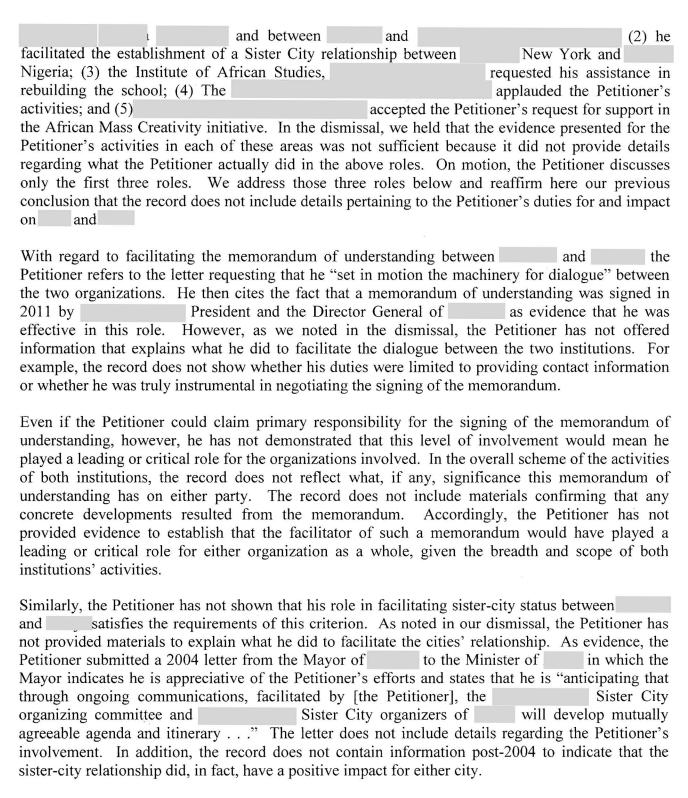
Regarding the overall impact of his contributions, the Petitioner references the "unassailable expertise and integrity of the world's best known creativity scholars . . . who adjudge my ideas and contributions in the field of creativity as original, visionary, groundbreaking, and suggesting creative paths for the human condition." The Petitioner provided reference letters from several individuals who also work in the field of creativity studies. However, the Petitioner does not address on motion our concerns that the letters were conclusory and did not indicate a wide impact in the field. To meet this criterion, the contributions and their major significance must have already been realized rather than being potential or future. 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). In this case, the recommendation letters in the record speak highly of the Petitioner and his work, but they do not include examples of realized significance.

Accordingly, the Petitioner has not presented evidence of his original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.

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).

The Petitioner asserted on appeal that he performed in a leading or critical role for organizations or establishments that have a distinguished reputation when: (1) he facilitated collaborations between the

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As a result, the Petitioner has not demonstrated that his involvement with the sister-city relationship amounts to playing a leading or critical role in either city's operations. The Petitioner does not

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indicate that his role for either city ever extended beyond the facilitation of the sister-city status. The evidence in the record also does not indicate any concrete results of the sister-city relationship. As a result, the Petitioner has not shown that the facilitator of such a status would constitute a leading or critical role for either of these large cities.

Lastly, the Petitioner indicates that he performed in a leading or critical role for organizations or establishments that have a distinguished reputation when the

requested his assistance in rebuilding the school. The Petitioner provided a 2006 letter from the Director of the

expressing pleasure at learning that the Petitioner and his American and Canadian colleagues agreed to participate in continental revitalization initiatives at the University. As with the letter from the Mayor of the Petitioner does not offer any materials post-2006 to indicate any further action was taken after receiving this initial letter from the Director of the The Petitioner has not provided any information regarding how he furthered the goals of the Without evidence to show what the Petitioner accomplished and the impact of any accomplishments, he has not demonstrated that he played a leading or critical role for the

The motion will be denied 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 motion is denied.

Cite as *Matter of E-E-*, ID# 13163 (AAO Sept. 11, 2015)