



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF Z-L-

DATE: AUG. 5, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a specialist in intelligent transportation research, seeks classification as an individual of extraordinary ability in the sciences. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those 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, Texas Service Center, denied the petition. The Director concluded that the Petitioner meets only two of the regulatory criteria, of which a Petitioner must satisfy at least three. Specifically, the denial notice states that the Petitioner has demonstrated that he served as a judge of the work of others and authored published articles, but has not received a nationally or internationally recognized award or an invitation for admission to an association that requires outstanding achievements of its members.

The matter is now before us on appeal. In his appeal, the Petitioner offers additional evidence and states that the record demonstrates his eligibility.

Upon *de novo* review, we will sustain the appeal.

I. LAW

Section 203(b) of the Act states in pertinent part:

(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,

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- (i) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
- (ii) the alien's entry into the United States will substantially benefit prospectively the United States.

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." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Satisfaction of 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 documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011); *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 U.S. Citizenship and Immigration Services (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

The Petitioner is an associate professor in the System Engineering, [REDACTED]. He contends that he has risen to the very top of his field and has received national acclaim for his work on intelligent transportation systems. He seeks to enter the United States to expand his company, which is involved in intelligent transportation system design, equipment import and export, traffic signal control systems, and traffic information systems. Documentation in the record confirms that the Petitioner's consulting company is operational and pursuing projects, including one funded by a [REDACTED] loan.

The Petitioner did not indicate, and the record does not establish, that he has received a major, internationally recognized award pursuant to 8 C.F.R. § 204.5(h)(3). He must therefore demonstrate his eligibility under at least three criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). As noted by the Director, the Petitioner has served as one of several associate editors for the [REDACTED]. [REDACTED] has reviewed manuscripts for [REDACTED] and has authored several scholarly articles in professional publications. Accordingly, he satisfies the

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judging criterion at 8 C.F.R § 204.5(h)(3)(iv) and the scholarly articles criterion at 8 C.F.R § 204.5(h)(vi).

The first issue is whether the Petitioner meets a third criterion as required. For the reasons discussed below, we find that he demonstrated contributions of major significance in the field. 8 C.F.R. § 204.5(h)(3)(v). Next, we find that the record in the aggregate, by a preponderance of the evidence, shows that he enjoys sustained national acclaim and is situated among the small percentage at the top of his field.

#### A. Contributions of Major Significance<sup>1</sup>

The record contains several reference letters discussing the Petitioner's work in his field. For example, [redacted] executive director of the [redacted] affirms that the Petitioner established international communication channels and promoted the development of intelligent technology. [redacted] professor of civil and environmental engineering at the [redacted] explains that he invited the Petitioner to that university after meeting him at another campus in 2011. [redacted] confirms that the Petitioner chaired workshops, which forged new collaborations. These letters present the Petitioner as a knowledgeable member of the field who has coordinated with others.

The Petitioner also presented two letters that contain more specifics. [redacted] chief of the Division of Technology at the [redacted] describes the Petitioner as "an expert in [the] transportation sector" who "participated in the design of the framework of [an] integrated traffic management system in [redacted] confirms that the Petitioner supervised research projects, including various projects relating to the [redacted] stated that the [redacted] projects serve "a pilot role in establishing demonstration project[s] for the construction of practical [intelligent traffic] systems in [redacted] and concluded that these systems have "brought huge social, economic value in reducing vehicle travel costs, saving travel time, alleviating land resources and investment in transport infrastructure, promoting the development of related industries and technological progress." [redacted] a professor in the [redacted] further stated that the Petitioner "has played an integral role in participating in the [redacted] Specifically, "he constructed a regional traffic signal control system in [redacted] to dynamically control the traffic through a variety of detectors," improving the overall capacity of the network by 15 percent.

Supporting the statements in the letters, the Petitioner documented two [redacted] [redacted] first prize in 2009 and second prize in 2011. He also supplied awards from the [redacted] the [redacted] [redacted] and local and regional entities. The Petitioner submitted evidence pertaining to the significance of the two [redacted] [redacted]

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<sup>1</sup> 8 C.F.R § 204.5(h)(3)(v).

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The materials the Petitioner provided regarding the [REDACTED] confirm a level of national recognition. Article 54 of the [REDACTED] included in the record, explains that the government will award [REDACTED] “to the citizens or organizations that have made outstanding contributions in the application and popularization of advanced scientific and technological achievements, the accomplishment of major scientific and technological projects, plans and programmes, and the improvement of science and technology management.” An article from the [REDACTED] website describes the ceremony in which the Chinese government issued awards to several individuals. The article mentions that [REDACTED] and other leaders met with some of the winner representatives. These awards demonstrate a national awareness of the Petitioner’s projects.

Finally, the record confirms that several of the Petitioner’s articles have individually garnered notable levels of citation. Citations may serve as an indication that others in the field have found the Petitioner’s published results useful. Considering the specifics in the letters, the two national awards, and the citation record in the aggregate, the Petitioner has demonstrated an influence commensurate with contributions of major significance in the field.

#### B. Final Merits Determination

In the final merits determination, we consider the totality of the record to determine if a petitioner has demonstrated, by a preponderance of the evidence, that he has sustained national or international acclaim, and that his achievements have been recognized in the field through extensive documentation,<sup>2</sup> making him one of the small percentage who have risen to the very top of the field of endeavor. If so, a petitioner has met the requisite burden of proof and established eligibility for visa classification as an individual of “extraordinary ability.” See § 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); see also *Kazarian*, 596 F.3d at 1119-20.

As noted above, the Petitioner has received several awards that have at least some recognition at the national level. In addition, he is a credited associate editor of [REDACTED] and has served on the editorial boards of the [REDACTED] and the [REDACTED]. These positions demonstrate a degree of recognition and name exposure that is consistent with national or international acclaim. Further, the Petitioner’s contributions and publication record is consistent with an experienced researcher who has influenced the field at a level consistent with national or international acclaim.

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<sup>2</sup> While the statute requires extensive documentation, eligibility is to be determined not by the quantity of the filings alone but by their quality. *Chawathe*, 25 I&N Dec. at 376 (citing *Matter of E-M-*, 20 I&N Dec. 77, 80 (Comm’r 1989)). We “examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence.” *Id.*

Ultimately, the evidence in the aggregate distinguishes the Petitioner as one of “the small percentage who has risen to the very top of the field of endeavor.” The record establishes that the Petitioner is an experienced systems designer specializing in intelligent traffic management who has worked on important, nationally recognized projects, served in a credited editorial position, and published influential studies. The Petitioner has met his burden of demonstrating that these accomplishments are commensurate with sustained national or international acclaim in his field.

### III. CONCLUSION

The Petitioner submitted the requisite initial evidence and established his extraordinary ability when considered in a final merits decision. Section 203(b)(1)(A)(i) of the Act. By demonstrating that he seeks to continue to work in his area of extraordinary ability, and there being no indication otherwise, we are satisfied that the Petitioner’s entry will substantially benefit prospectively the United States. Section 203(b)(1)(A)(iii) of the Act. Therefore, the Petitioner has met the burden of proof necessary to establish eligibility for the benefit sought. Sections 203(b)(1)(A), 291 of the Act.

**ORDER:** The appeal is sustained.

Cite as *Matter of Z-L-*, ID# 17433 (AAO Aug. 5, 2016)