U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 5463151

Date: DEC. 4, 2019

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, a physician specializing in pediatric intensive care, seeks classification as an alien of extraordinary ability. *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 of the Nebraska Service Center denied the petition, concluding that the record did not establish that the Petitioner had satisfied at least three of ten initial evidentiary criteria, as required. The matter is now before us on appeal.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes immigrant visas available to aliens with extraordinary ability 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.

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 two options for satisfying this classification's initial evidence requirements. A petitioner can either demonstrate a one-time achievement (that is, a major, internationally recognized award), or provide 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 qualifying awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010).

II. ANALYSIS

The Petitioner is a consultant, pediatric intensivist, and assistant professor at [redacted] University Hospital at [redacted] Saudi Arabia.

The Petitioner has not indicated or established that he has received a major, internationally recognized award. Therefore, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). We agree with the Director's finding that the Petitioner fulfilled two of the initial evidentiary criteria, relating to participation as a judge of the work of others under 8 C.F.R. § 204.5(h)(3)(iv) and publication of scholarly articles under 8 C.F.R. § 204.5(h)(3)(vi). The Petitioner claimed to satisfy two other criteria, discussed below.

> *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 Petitioner submitted photographs of various recognition plaques and copies of certificates. We agree with the Director's finding that the Petitioner had not established "the 'significance and scope' of the prizes."

Many of the plaques are internal faculty awards from [redacted] recognizing various activities the Petitioner performed there such as updating guidelines, "supervising curriculum changes," and unspecified "active contribution to the success of academic accreditation activities." The inscriptions on other plaques indicate that the Petitioner received them for participating in various medical conferences. The Petitioner did not show that these plaques are nationally or internationally recognized awards, or that he received them for excellence in the field of endeavor rather than for participation in specific projects or tasks.

After the filing date, the Petitioner has continued to receive similar awards from [redacted], but the record does not show that these awards are nationally or internationally recognized, or that anyone who is not working at [redacted] is eligible to receive those awards.

Rather than submit evidence that his awards are recognized outside of [redacted], the Petitioner asserted that [redacted] was one of the first accredited universities in Saudi Arabia, and that its "College of Medicine is among the leading national medical schools . . . . Therefore, the awards and recognitions awarded to [the Petitioner] by [redacted] University are nationally significant." The conclusion does not follow from the premises. The Petitioner did not establish that the wider medical field, nationally or internationally, takes

notice of the prizes that [redacted] awards to its own faculty members. The overall reputation of the awarding entity does not, by itself, confer national or international recognition on honors that the entity bestows on its employees.

A "Certificate of Appreciation" from the Saudi Pediatric Association (SPA) recognized the Petitioner's "outstanding accomplishment by establishing and organizing the first SPA-endorsed National Childhood Safety Campaign" in 2017. The Petitioner did not establish that the certificate is nationally or internationally recognized.

Another "Certificate of Appreciation" from the Saudi Patient Safety Center reads, in part: "Congratulations for being recognized as a nominee for 2018 National Patient Safety." A nomination is not a prize or award, and the Petitioner did not show that he won the award for which he was nominated.

The Petitioner has not shown that he has received nationally recognized prizes or awards for excellence in his field of endeavor.

> *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)

In order to satisfy this criterion, petitioners must establish that not only have they made original contributions, but also that those contributions have been of major significance in the field. For example, a petitioner may show that the contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. The phrase "major significance" is not superfluous and, thus, it has some meaning. *See Silverman v. Eastrich Multiple Investor Fund, L.P.*, 51 F. 3d 28, 31 (3rd Cir. 1995) quoted in *APWU v. Potter*, 343 F.3d 619, 626 (2nd Cir. Sep 15, 2003).

The Petitioner stated that he "has made original scientific contributions to the field of Pediatric Intensive Care by contributing to research [redacted] This research has led to highly cited papers and sets him apart from his peers." The Petitioner was one of 53 authors of "[redacted]," a 2015 paper that had been cited more than 160 times as of the filing date. Quoting part of the article's title, as above, does not sufficiently identify the Petitioner's contribution. This article, like most of the Petitioner's cited work, was a product of the Global Burden of Disease (GBD), a series of collaborations described by the GBD secretariat as "an international network of more than 1,000 individuals, based in over 100 countries." The GBD collected data from institutions around the world, and published articles with dozens or hundreds of co-authors.[1] The Petitioner's participation

[1] At the time of filing in December 2018, the Petitioner documented 549 citations of 20 published articles. Most of those citations pertain to GBD articles. The majority of the citations (445 out of 549, or 81%) relate to three GBD articles with 50 or more co-authors. For the most-cited article, discussed above, the Petitioner was one of 587 named co-authors. The Petitioner's published articles outside the GBD collaborations earned an aggregate total of 60 citations at the time of filing. The Petitioner's two most-cited non-GBD articles accumulated 28 and 13 citations, respectively; seven others had between 1 and 5 citations each. On appeal, the Petitioner notes that citations have increased since the time of filing, but the updated figures still skew heavily toward GBD articles.

in a massive global collaboration is not, itself, an original contribution of major significance, and he did not identify his specific contributions to the highly-cited GBD articles.

In response to a request for evidence, the Petitioner showed that he has a ResearchGate score of 31.94, which "is higher than 90% of ResearchGate members." On appeal, the Petitioner showed a "Total Research Interest score" of 1710, which is "[h]igher than 98% of researchers in Emergency Medical Care." The Petitioner did not submit evidence or information to put this score into context. For instance, the Petitioner did not show how the scores were calculated, or establish that ResearchGate members are a representative cross-section of the field. We note that it is not evident from the record that the Petitioner's specialty is "Emergency Medical Care." More significantly, the scores do not identify any original contribution by the Petitioner. Without the necessary context, the ResearchGate information has minimal weight in this proceeding.

The Petitioner stated that he:

> is the first to establish a national registry of DNA with a lab for multicenter genetic research for children with [redacted] . . . [The Petitioner's] development of this DNA registry is the only genetic registry for this disease *in the region* . . . . [The Petitioner's] contribution . . . significantly impacted public health in the region and globally.

(Emphasis added.) The phrase "in the region" implies that other such registries already existed elsewhere. The Petitioner did not explain how establishing a registry in a different location is an original contribution, or submit evidence to show that it has already "significantly impacted public health . . . globally."

The Petitioner also stated that he "is an expert in medical informatics applications and the customization of the electronic health records (EHR)." The Petitioner continued:

> [The Petitioner] obtained a certificate on the Essentials of Health Informatics . . . from [redacted] University and [redacted] University. [The Petitioner] was selected by the Pediatric Department to lead the EHR Taskforce . . . which played a major role in the successful implementation of the new EHR system. This has resulted in his health care facility becoming the first hospital in Saudi Arabia to adopt these ethnicity-specific normal measurements, resulting in improved patient care.

The Petitioner did not explain how implementing an EHR system constitutes an original contribution, rather than applying existing methods in a new location. The above quotation indicates that the Petitioner acquired the necessary skills at the same university where he implemented the system.

Letters from colleagues and collaborators likewise attest to the Petitioner's introduction of existing methods to Saudi Arabia, and to his diligent efforts in improving education and care at the institutions where he has worked while also conducting useful research. These efforts may well have improved local health care and added to the general pool of knowledge in the Petitioner's specialty, but the Petitioner and his colleagues do not explain how they constitute *original* contributions or have major significance with respect to the field as a whole.

We agree with the Director that the Petitioner did not identify any specific original contributions that he showed to be of major significance in the field.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown that the significance and recognition of his work at KSU are indicative of the required sustained national or international acclaim or that they are consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and that he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. Therefore, the appeal will be dismissed.

ORDER: The appeal is dismissed.