



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

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

MATTER OF G-O-

DATE: JAN. 18, 2019

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a hospitality consultant, seeks classification as an individual of extraordinary ability in business. *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 Petitioner had satisfied only one of the ten initial evidentiary criteria, of which he must meet at least three. On appeal, the Petitioner presents additional documentation, contending that he meets at least three criteria and qualifies for the classification. He indicates that upon entering the United States, he intends to establish a hotel consulting company to facilitate U.S. hotel brands' entry into the China market and will provide consulting services to investors in the hospitality industry.

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

I. LAW

Section 203(b)(1)(A) of the Act makes visas available to certain immigrants 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 regulation at 8 C.F.R.

§ 204.5(h)(3) sets forth two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate 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 documentation that meets at least three of the ten criteria listed under 8 C.F.R. § 204.5(h)(3)(i)-(x) (including items such as qualifying awards, published material in certain media, and scholarly articles).

If a petitioner meets these initial evidence requirements, we then consider the totality of the submitted material in a final merits determination and assess whether the record, as a whole, 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, 1119-20 (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, 1343 (W.D. Wash. 2011). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "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." *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

II. ANALYSIS

Based on a review of the record in the aggregate, we conclude that the Petitioner has shown, by a preponderance of the evidence,¹ that he has sustained national acclaim and that his achievements as a hospitality consultant have been recognized in the field of hospitality consulting. *See* 8 C.F.R. § 204.5(h)(3). He has therefore established his eligibility for the classification.

The Petitioner has been a hospitality consultant for over a decade. He founded [REDACTED] [REDACTED] in 2003, and [REDACTED] in 2007. He has served as a consultant for hundreds of hotel projects in China, including those associated with [REDACTED] [REDACTED] and [REDACTED].

A. Initial Evidence Requirements

While the record does not establish his receipt of a major, internationally recognized award, he has satisfied at least three of the ten criteria listed under 8 C.F.R. § 204.5(h)(3)(i)-(x). The Director concluded that the Petitioner "has performed in a leading or critical role for organizations or

¹ If a petitioner submits relevant, probative, and credible evidence that leads U.S. Citizenship and Immigration Services to believe that the claim is "more likely than not" or "probably true," the petitioner has satisfied the "preponderance of the evidence" standard of proof. *See* USCIS Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14 4* (Dec. 22, 2010), <http://www.uscis.gov/laws/policy-memoranda>.

establishments that have a distinguished reputation.” 8 C.F.R. § 204.5(h)(3)(viii). The record supports this conclusion. Specifically, the Petitioner is the executive president of [REDACTED] and is responsible for its consulting, data research, strategies and product research, and financial management. According to the evidence the Petitioner has presented, the entity is one of China’s largest professional hotel consultancy companies. It has provided consulting services to numerous hotel projects and has received a number of industry awards.

In addition, the Petitioner has submitted “[d]ocumentation 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). In March 2017, he received [REDACTED] Award at the [REDACTED]. According to a December 2016 letter from the award issuing entity, the Petitioner was nominated for this accolade based on “[his] business reputation and influence in the industry.” Reference letters in the record explain that the awards from the event are the highest honors in China’s hotel industry and that national media has referred to the ceremony as the Oscars of China’s tourism and hotel industry. In addition, the Petitioner has presented documentation showing that the event received media attention and that news outlets, including those with national readership and viewership, reported the event.

Moreover, the Petitioner has presented “[e]vidence of [his] original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.” 8 C.F.R. § 204.5(h)(3)(v). He developed a financial analysis system that, according to the [REDACTED] “can determine whether a certain hotel project has the conditions to open, the scale of operating risks, and the project investment feasibility conclusion of the best plan for the hotel management through investigation, analysis, and forecasting.” Reference letters indicate that most hotel consultant companies in China now use the Petitioner’s system. *China Hotel* magazine, a publication on China’s national tourism and hotel industry, reported that the Petitioner “pioneered the investment analysis methods and system of the Chinese hotel industry” and that he “has had a profound impact on the development trend of Chinese hotel industry and the development concepts of hotel developers.”

Based on the reasons specified above, we find that the Petitioner has satisfied at least three of the ten criteria listed under 8 C.F.R. § 204.5(h)(3)(i)-(x). Accordingly, we will next evaluate the totality of the evidence in the context of the final merits determination.²

B. Final Merits Determination

As the Petitioner has submitted the requisite initial evidence, we will evaluate whether he has demonstrated that he has sustained national or international acclaim and is one of the small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. See section 203(b)(1)(A)(i) of the Act; 8 C.F.R. §

² On appeal, the Petitioner maintains that he also meets other criteria listed under 8 C.F.R. § 204.5(h)(3)(i)-(x). As he has satisfied at least three of the ten criteria, we will discuss all relevant evidence in the final merits determination.

204.5(h)(2)-(3); *see also Kazarian*, 596 F.3d at 1119-20. In this case, we conclude that he has shown, by a preponderance of the evidence, his eligibility for the classification.

The record, including numerous reference letters, shows that the Petitioner has been a hospitality consultant for over a decade and has completed hundreds of hospitality projects. [REDACTED] the president of [REDACTED] states that the Petitioner “has provided consultancy services for over 400 hotel projects” in China. *International Hotel Leader* magazine similarly reports that he is a hotel consultant who has completed hundreds of projects in China. [REDACTED] the vice president of hotel development in China for [REDACTED] details the Petitioner’s work on [REDACTED] projects in China. He indicates that the Petitioner “has the richest professional experience amongst all Chinese hotel consultants, and his professional achievements are the most prominent.” [REDACTED] concludes that the Petitioner “is an undisputed top expert in hotel consulting industry with a high reputation in the industry.” [REDACTED] the vice president of development in China for [REDACTED] notes that the Petitioner’s “wealth of professional experience, open vision and creative thinking” have led to “his outstanding achievements and contribution to the hotel industry.”

In addition, the Petitioner has made significant impact on the field of hospitality consulting through his development of a financial analysis system and databases. [REDACTED] the vice president of development for [REDACTED] China, confirms that the Petitioner has “built hotel market analysis databases for several hundreds of cities in China and opened to the industry the databases of 50 key cities, benefiting fellow hoteliers and consultants including [REDACTED]’ who uses the databases frequently. [REDACTED] states that the Petitioner “has made tremendous contributions to the development of China’s hotel industry and is indeed one of the most authoritative experts in the hospitality consulting industry.” According to the [REDACTED] the Petitioner’s system “has been widely adopted by China’s hotel industry” and that his “numerous hotel market databases and case libraries . . . have significantly benefited China’s hoteliers and hotel investors.” [REDACTED] notes that the Petitioner’s investment analysis system “has become the authoritative system of investment analysis in the Chinese hotel consulting industry” and that his “databases are one of the only database systems in China’s hotel industry and are therefore widely used by the industry.” Other professionals in the field, including [REDACTED] who is a professor in the [REDACTED] at [REDACTED] similarly confirms that the Petitioner has created a financial analysis system that has been adopted by many reputable hotel consulting firms in China.

There is other evidence that illustrates the Petitioner’s national acclaim as a hospitality consultant. For example, a number of publications with substantial readership base have reported on his work. They include the *China Hotel* magazine, which refers to him as “a top hotel consultant and investment analysis expert” who “has made significant contributions to the hotel industry and hospitality consulting industry” in China. Moreover, the Petitioner was named the honorary chairperson of [REDACTED] because of his contributions to China’s hotel industry. Additionally, based on his expertise in the field, he has been invited to lecture at the

[REDACTED] and industry events, including those organized by [REDACTED] and [REDACTED]. [REDACTED] his professional opinions have been quoted and relied on as authority in news articles discussing China's hospitality industry. Likewise, he has received a nationally recognized award at the [REDACTED] as well as other accolades, including those from the [REDACTED] and [REDACTED] in recognition of his national acclaim in the field.

Upon a review of the record in the aggregate, we conclude that the Petitioner has demonstrated, by a preponderance of the evidence, sustained national acclaim and that he is among the small percentage at the very top of the field of endeavor. *See Kazarian*, 596 F.3d at 1119-20; 8 C.F.R. § 204.5(h)(2)-(3).

III. CONCLUSION

The Petitioner has shown that he meets at least three of the evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). He has demonstrated, by a preponderance of the evidence, sustained national acclaim and that his achievements have been recognized through extensive documentation. He has also established that he intends to continue working in his area of expertise and that his admission will benefit prospectively the United States. He therefore qualifies for the classification.

ORDER: The appeal is sustained.

Cite as *Matter of G-O-*, ID# 1922197 (AAO Jan. 18, 2019)