



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

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

MATTER OF R-R-R-L-

DATE: JULY 2, 2019

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, a journalist, seeks classification as an individual 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 Texas Service Center denied the Form I-140, Immigrant Petition for Alien Worker, concluding that the Petitioner had shown that she met at least three of the ten initial evidentiary criteria but that she had not established eligibility in the final merits analysis.

On appeal, the Petitioner asserts that she qualifies as an individual of extraordinary ability in the final merits analysis.

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

**I. LAW**

Section 203(b)(1)(A) of the Act makes visas available to immigrants 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. First, a petitioner can demonstrate a one-time achievement (that is a major, internationally recognized award). Alternatively, he or she must provide documentation that meets at least three of the ten categories of evidence listed at 8 C.F.R. § 204.5(h)(3)(i)-(x) (including items such as awards, memberships, and published material in certain media).

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) (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). 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

The Petitioner is a journalist. As she has not established that she has received a major, internationally recognized award, she must satisfy at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

### A. Evidentiary Criteria

In denying the petition, the Director found that the Petitioner met the criteria for awards, published material, judging the work of others, scholarly articles, and leading or critical role under 8 C.F.R. § 204.5(h)(3)(i), (iii), (iv), (vi), and (viii), respectively. On appeal, we find that the evidence in the record sufficiently demonstrates that the Petitioner meets at least three criteria, including published material, judging, and leading or critical role under 8 C.F.R. § 204.5(h)(3)(iii), (iv), and (viii).

Specifically, the record reflects that the Petitioner has had articles published about her relating to her work in the field of journalism in professional or major trade or major media publications, she has participated as a judge of the work of others as a juror in selecting the recipients of numerous journalism awards, and she has performed a leading or critical role for an organization with a distinguished reputation for her role on the [redacted] television program, “A Day with [the Petitioner].” As she has satisfied three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3), we will evaluate the totality of her documentary evidence in the context of the final merits determination below.<sup>1</sup>

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<sup>1</sup> We will address the evidence in the record pertaining to awards and scholarly articles in the final merits analysis.

## B. Final Merits Determination

As the Petitioner has established that she meets the requisite initial evidence, we will evaluate whether she has demonstrated, by a preponderance of the evidence, that she has sustained national or international acclaim and is one of the small percentage at the very top of the field of endeavor, and that her achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze a petitioner's accomplishments and weigh the totality of the evidence to determine if her successes are sufficient to demonstrate that she has extraordinary ability in the field of endeavor. See section 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. In this matter, we determine that the Petitioner has not established her eligibility.

The record demonstrates that the Petitioner is a journalist who has had a successful career as a radio and television host. She received her bachelor's degree in social communications from the University of [redacted] in Venezuela, and was employed there from 1979 to 2009 while furthering her career in journalism.

The record contains evidence of the awards the Petitioner has received, including the Municipal Journalism Award [redacted] in 1989,<sup>2</sup> the Order [redacted] in 1997, the Order [redacted] in 1999, the Order [redacted] in 2001, the Honorable Mention of the Municipal Journalism Award [redacted] in 2003, and the Order [redacted] in 2005. The record reflects that the majority of these awards come from the city of [redacted]. However, it lacks evidence demonstrating these awards signify recognition outside that local region, and thus are not indicative of national or international acclaim as required by 8 C.F.R. § 204.5(h)(3).

Additionally, the Petitioner was awarded the Order [redacted] in 1997, which she claims is a nationally recognized award that was given by the president of Venezuela. The record contains only a certificate for this award, and lacks documentation supporting the Petitioner's assertions of its national importance. Furthermore, she has not submitted evidence, such as media coverage, establishing that she received national or international acclaim for this or any of the other awards she has claimed.

The Petitioner has submitted a number of articles published about her and her work, spanning from 2001 until 2014. Most articles appeared in regional publications, such as *Estampas* or *Panorama*, and the Petitioner does not submit evidence to demonstrate that these publications convey national or international acclaim. A 2011 article appeared in the newspaper, *Version Final*, but the record contains inconsistent documentation of the publication's circulation and therefore does not establish the requisite level of acclaim or recognition.<sup>3</sup> In contrast, the Petitioner has submitted an article that appeared in 2006 in *El Nacional*, which the record identifies as a major Venezuelan newspaper,

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<sup>2</sup> The Director indicated that the Petitioner received an award in 1998. This appears to be a scrivener's error as the record reflects that she received an award in 1989.

<sup>3</sup> The record contains a document claiming *Version Final* has over 100,000 daily readers, but does not reveal the source of its information. In contrast, it also contains documentation from a media certifying committee indicating that in 2011, *Version Final* had a circulation of 18,345. The record does not contain a full English translation, as required under 8 C.F.R. § 103.2(b)(3), nor does it contain evidence to overcome the discrepancies between these documents.

regarding her work on her television show.<sup>4</sup> It quotes the Petitioner, briefly discussing the history of her television show and identifying plans to bring the show to an international audience after nine years of only being broadcast at a regional level. While the article recognizes the success of her local program and identifies hopes for expansion, the Petitioner has not established that it indicates national or international acclaim for her work.

On appeal, the Petitioner asserts that the Director should have recognized the media coverage about her through 2014. She submitted an article from that year that was published in *El Venezolano*, a Florida newspaper, discussing her thoughts on journalism and her career in Venezuela. However, the record does not demonstrate this article has resulted in national or international acclaim, as the circulation information provided shows the newspaper is circulated to 20,000 individuals in [redacted]. The Petitioner has not explained how this represents acclaim at a national or international level.

The record contains evidence about the Petitioner's role in judging the work of others as a juror for awards given by the [redacted] in Venezuela. [redacted] vice president of the [redacted] identifies seven awards in which the Petitioner participated as a juror between 1979 and 2009.<sup>5</sup> Beyond their names, no information is provided about the awards, including their dates or time period in which the Petitioner acted as a judge. Of the seven awards, only one is identified as a national journalism award, as the rest named as regional or municipal awards. The Petitioner has not submitted evidence about the awards to establish their significance or that of her judging. [redacted] does not identify the criteria for her selection in his letter, nor do the [redacted] regulations in the record provide any requirements for jury selection, beyond mandating that there be at least one representative from the National School of Journalists. As such, the record does not establish that the Petitioner's selection as a juror marks that she has received the requisite acclaim and recognition in her field.

Beyond her work with [redacted] the record also contains a letter from [redacted] a dean at the University of [redacted] stating that the Petitioner "served as tutor, advisor and jury for the contest of opposition and merits presented by those professionals admitted to our institution as teachers and of the credentials and works of the professors aspiring to ascend into the ranks of [faculty and research staff]." [redacted] also indicates that the Petitioner has been a juror for postgraduate theses in one of the university's master's programs, and identifies five papers she reviewed. The Petitioner has not submitted evidence demonstrating that she has received any national or international acclaim for her work with the university, or that her position there, which began immediately after receiving her undergraduate degree, constitutes recognition of her achievements by the field.

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<sup>4</sup> The Petitioner indicates that she was featured in another article from *El Nacional* in 2005. She submitted a photocopy of that article along with a letter from a translator who notes that the document is illegible and cannot be translated. The Petitioner provided a letter from [redacted] president and editor of *El Nacional*, indicating that she appeared in an article profiling Venezuelan women. However, the letter lacks sufficient information to determine what level of acclaim the article afforded the Petitioner.

<sup>5</sup> In support of her judging claim, the Petitioner has also submitted an article about the government of [redacted] convening the 2012 regional journalism award. However, the translation of the document is incomplete and therefore cannot be considered. See 8 C.F.R. § 103.2(b)(3). We note, however, that the translation provided does not reference the Petitioner or indicate any relationship between her and this award.

The Petitioner published two scholarly articles in the *Analisis Financiero y Economico* (AFE) magazine in 2004, as well as authored two books that were published in 2010, but the record lacks evidence demonstrating that she received acclaim as a result. The record contains a letter from [REDACTED] editor for AFE, stating that the Petitioner was one of its columnists “writing and coordinating her journalistic columns [REDACTED] and [REDACTED] with [the Petitioner],” which analyzed and commented on Venezuelan socio-economic events.” The Petitioner has not submitted evidence demonstrating her receipt of national or international recognition originating from her articles.

The Petitioner has authored two books that were published in 2010, entitled [REDACTED] and [REDACTED]. In a letter from [REDACTED] the former principal of the University of [REDACTED], he states that the Petitioner “has made herself a name as an expert in matters of Social Communication, Advertising and Public Relations, but above all, in matters inherent to [REDACTED] . . . .” He indicates that the Petitioner’s students, her colleagues, academic institutions, and companies request her advice, but the record lacks corroborating evidence to support this claim. Although he states that her books “bring us an educational model of corporate social responsibility and public relations applicable to Master’s degrees, doctorate programs or specializations on journalism, management, economics, business and business relationships whose professionals should have an exact knowledge of these concepts,” the record does not demonstrate that any academic institution has incorporated her texts, or that she has received acclaim or recognition from the field for her work.

Regarding the evidence the Petitioner submitted about her leading or critical role, the record reflects that she was the host of the program [REDACTED] for “Television a Color, [REDACTED] in [REDACTED] Venezuela beginning in 1996. [REDACTED] the human resources manager for the organization, states that the Petitioner’s innovative shows helped retain viewers and generate new audiences for the company’s programming. He states that she broke ratings and contributed “to position [the channel] as one of the best TV channels in Venezuela.” As discussed above, the articles about and awards for the Petitioner’s work with this program and channel document its significance at the municipal and regional level, but do not establish the requisite national or international acclaim.

Under 8 C.F.R. § 204.5(h)(3), a petitioner must demonstrate sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise. The Director held that the Petitioner had not sustained her recognition, noting the lapse in time between the recognition she received and the filing of the petition. On appeal, the Petitioner states that the regulations do not indicate how recent an individual’s acclaim must be to meet the terms “sustained national or international acclaim.” She cites a USCIS policy memorandum which states that “sustained” acclaim means that it must be maintained over a long period of time that there is no definitive time frame for what constitutes “sustained” acclaim.<sup>6</sup>

Here, after review of the record in its entirety, we find that the Petitioner has not established that she has received acclaim at a national or international level, and thus need not address the issue of sustainment.

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<sup>6</sup> See USCIS Policy Memorandum PM-602-0005.1, *supra*, at 14.

### III. CONCLUSION

For the foregoing reasons, the Petitioner has not shown that she qualifies for classification as an individual of extraordinary ability. The record does not demonstrate that she has garnered national or international acclaim and that she 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).

The appeal will therefore be dismissed 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 Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012). Here, that burden has not been met.

**ORDER:** The appeal is dismissed.

Cite as *Matter of R-R-R-L-*, ID# 2991511 (AAO July 2, 2019)