



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

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

MATTER OF J-G-R-P-

DATE: MAY 8, 2019

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Petitioner, who is a medical doctor, researcher, and professor, 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 petition, concluding that while the Petitioner had satisfied the initial evidence requirements, he did not demonstrate his eligibility for the classification. The Director determined that the record, as a whole, did not establish his sustained national or international acclaim or confirmed that he was among the small percentage at the very top of the field.

On appeal, the Petitioner challenges the Director's determination and maintains that he qualifies for the classification.

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).

Where 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

The Petitioner is a medical doctor, who specializes in general pediatrics. He taught at the [redacted] [redacted] in [redacted] Colombia, between 1986 and 2015. Since 2015, he has been working as an associate professor in the [redacted] at the [redacted] in [redacted] Florida. His duties include teaching medical students, mentoring them in their research projects, and working with clinical centers affiliated with the university. According to his statement, he intends to “devote all [his] knowledge, skills, and energy to teaching[,] . . . implementing and disseminating research results into practice, mainly in the area of [redacted] infants’ health care” in the United States.

A. Initial Evidence Requirements

The Director concluded that the Petitioner met at least three of the ten criteria listed under 8 C.F.R. § 204.5(h)(3)(i)-(x). The record supports this determination. The evidence confirms that he reviewed manuscripts for a number of professional publications, including *Pediatrics* and *Journal of Epidemiology and Community Health*. He therefore satisfies the participation as a judge criterion under 8 C.F.R. § 204.5(h)(3)(iv). In addition, he has presented documentation verifying his authorship of scholarly articles. For example, *Acta Paediatrica* published his article [redacted] [redacted] [redacted]” and *The BMJ*, formerly known as the *British Medical Journal*, published his article [redacted]

[redacted] The evidence thus establishes he meets the authorship of scholarly articles criterion under 8 C.F.R. § 204.5(h)(3)(vi).

Moreover, the record includes a letter from the dean of the faculty of medicine of [redacted] indicating that the Petitioner's [redacted] research became "one of the most productive, successful, visible and influential health care projects developed by researchers from any of the [redacted] Schools, Faculties and Institutes, with impact in the standards of [redacted] infants worldwide, but particularly in low and middle-income countries." According to [redacted] the Petitioner "was [a] co-founder of the Clinical Epidemiology Unit" and a "co-creator and first director of the Master's program in clinical epidemiology" at the university. Additional documents verify [redacted] distinguished reputation, noting that it is a top university in Colombia and Latin America, and that it has educated Colombian presidents and diplomats, as well as collaborated with international organizations, such as the Pan American Health Organization (PAHO) and the World Health Organization (WHO). The documentation therefore shows that the Petitioner satisfies the leading or critical role criterion under 8 C.F.R. § 204.5(h)(3)(viii).

As the Petitioner has demonstrated that he fulfills at least three of the ten criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x), we will evaluate the totality of the evidence in the context of the final merits determination. For the reasons we will discuss, we find that the record, as a whole, shows the Petitioner's sustained national or international acclaim and demonstrates that he is among the small percentage at the very top of the field.

B. Final Merits Determination

The Petitioner has established his eligibility for the classification. His research studies on [redacted] have significantly impacted [redacted] infant care in Colombia, his country of citizenship, as well as other countries. According to a printout from MedicalNewsToday.com, [redacted] was "first developed in 1978 to deal with overcrowding of [redacted] units in Colombia." [redacted]

The record includes numerous reference letters from professors and university staff confirming the importance of the Petitioner's work. For example, [redacted], a professor of psychology at the [redacted] University, in [redacted] Canada, indicates that the Petitioner is "an internationally recognized expert in the field of appropriate [redacted] infant care." He explains that the Petitioner developed [redacted] guidelines for the Colombian Ministry of Health that have "become an essential document for the implementation of the [redacted] program throughout Colombia." Similarly, [redacted] the chairperson of the Department of Biostatistics, Epidemiology, and Informatics at the University of [redacted] provides that the Petitioner's "seminal clinical trial that documented the effectiveness of the [redacted] and numerous follow-up studies evaluating its uptake, quality assurance, mechanisms of effect, and economic

evaluation” have served “as the basis for Colombian and international evidence-based guidelines for the care of [redacted] infants.”

The impact of the Petitioner’s work is further confirmed by experts in a number of international health organizations. For example, [redacted] a senior advisor for research promotion and development at the PAHO and WHO, states that the Petitioner “has been a world leader and pioneer in the research of [redacted] and that “[h]is work underpins international practice guidelines for [redacted] baby care such as the World Health Organization guidelines.” [redacted] a consultant for the WHO, provides that the Petitioner “played a key role in the seminal clinical Randomized Controlled trial [redacted], and the subsequent follow-up 20 years later,” and that his research has “been the basis for international [redacted] evidence-based guidelines.” According to [redacted] the president-elect of the [redacted] the Petitioner is “a key resource on [redacted] research and population studies that pave the way to future development of the science and innovative strategies in improving [redacted] health outcomes through [redacted], [redacted] the president of [redacted] similarly indicates that the Petitioner is “an internationally recognized expert in . . . [redacted] who conducted “two seminal clinical research projects on [redacted] that] . . . demonstrated the promise held by [redacted] [redacted] infants worldwide, particularly at low and middle-income countries with limited or no access to modern [redacted] care and incubators.”

In addition to the numerous reference letters discussing the Petitioner’s contributions and corroborating the claim that his achievements have been recognized in the field, the record also includes evidence that scientific journals and newspapers have reported on his work, further confirming his sustained national or international acclaim. For example, *New Scientist* published an article about [redacted] that discussed the Petitioner’s research and quoted his expert opinions. It also identified him as the lead author and investigator of a *British Medical Journal* piece that verified the effectiveness of [redacted] Other publications, including German newspaper *Berliner Zeitung* and Italian magazine *Le Scienze*, have similarly reported on his work and acclaim in the field.

Moreover, the Petitioner has offered extensive evidence on his authorship and presentation experience. The record shows that he has authored numerous articles that have been cited frequently in the field, with many of his work receiving hundreds of citations each from other scientists. As [redacted] explains, and the evidence verifies, the Petitioner has published “more than 100 original manuscripts, abstracts and book chapters” and have been “invited to deliver more than 140 scientific lectures throughout the world to share his insights and his work.” Likewise, [redacted] confirms that the Petitioner has “published 12 books and technical manuals, 13 chapters in scientific texts, and more than 90 papers and abstracts in peer-reviewed journals” and that “his publications have received more than 3,100 citations” in the aggregate.

Furthermore, the record includes additional evidence of the Petitioner’s status as someone who has risen to the very top of the field. For example, he has received a number of awards in recognition of his work, including those from the [redacted] and the [redacted]. He has also received [redacted] Biannual Award for Lifetime Achievements in Health Sciences Research. Additionally, he co-founded the [redacted]

[REDACTED], a nonprofit organization in Colombia that focuses on research and implementation of [REDACTED] in low and middle-income countries. The foundation's work has been recognized by healthcare company [REDACTED] international charity [REDACTED] as well as other international entities.

The record, in its entirety, sufficiently establishes the reach and impact of the Petitioner's research, specifically, as relating to [REDACTED]. It confirms that he is an individual of extraordinary ability. He has demonstrated that he has sustained national or international acclaim and is among the small percentage at the top of his field. *See* section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2)-(3); *see also Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994).

III. CONCLUSION

For the reasons discussed above, the Petitioner has demonstrated his eligibility as an individual of extraordinary ability. In visa petition proceedings, the petitioner bears the 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 been met.

ORDER: The appeal is sustained.

Cite as *Matter of J-G-R-P-*, ID# 3073553 (AAO May 8, 2019)