



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

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

MATTER OF M-A-F-

DATE: MAY 24, 2019

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, an information technology executive, 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 Texas Service Center denied the petition, concluding that the record did not establish, as required, that the Petitioner has received a major, internationally recognized award or met the requirements of at least three of the ten evidentiary criteria. The Director also found that the Petitioner did not demonstrate that his entry will provide a substantial prospective benefit to the United States. On appeal, we agreed that the Petitioner did not meet the initial requirements, although on different grounds, and did not consider the question of substantial prospective benefit.

On motion, the Petitioner submits additional evidence and asserts that he meets at least three of the evidentiary criteria and will provide a substantial prospective benefit to the United States.

Upon review, we will deny the motion.

I. LAW

A motion to reopen is based on documentary evidence of *new facts*. The requirements of a motion to reopen are located at 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

II. ANALYSIS

The Director found that the Petitioner meets two of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), relating to judging the work of others and playing a leading or critical role for organizations with a distinguished reputation. On appeal, we determined that he met the criterion regarding a high salary or significantly high remuneration, but disagreed that he had established his service as a judge of the work of others in his field. The Petitioner now submits a motion to reopen with new evidence, and

asserts that he meets the criterion relating to nationally or internationally recognized awards and service as a judge of the work of others. As the evidence meets the requirements for a motion to reopen, we will analyze it under the appropriate criteria below.¹

A. Documentation of the Individual's Receipt of Lesser Nationally or Internationally Recognized Prizes or Awards for Excellence in the Field of Endeavor

On motion, the Petitioner resubmits certificates of participation he received at the 2003 and 2004 [redacted] competitions, but he has not submitted further evidence to establish that these qualify as nationally or internationally recognized awards, or were given to him for excellence in the field as an information technology executive.

Regarding the First [redacted] Award, Silver Statue [redacted], given to [redacted] the Petitioner's current employer, he submits a third, brief letter from [redacted] the company's Chief Executive Officer. [redacted] restates in this new letter that the Petitioner has served as a technical deputy in the company, and as such he "is our key person in Digital Transformation" and that his work in this role led to the company's receipt of this award. When considered with the two previous letters from [redacted] as well as the additional evidence regarding the award itself, the evidence is sufficient to establish that the Petitioner played an important role in the company's receipt of this award.

The evidence about the award consists of pages from a website dedicated to the award, [http://\[redacted\]](http://[redacted]) This website briefly describes the first two versions of this award, stating that it was run by the Faculty of Management at the University of [redacted] and "designed for evaluation, understanding the feedbacks, and finally the introduction of pioneer organizations in digital development." It goes on to explain that one of the main objectives of the award is "to provide an opportunity for organizations, CEOs and specialists to exchange their successful experiences." The award is repeatedly described as an evaluation, and describes the new evaluation process implemented in the third version of the award as a points-based "20200" system, thus indicating that the award is more of a certification given to companies meeting a certain business standard, and geared towards helping companies to improve their information technology and management practices. Also, the evidence does not indicate how many awards are or have been granted as a result of the evaluations, or whether the "Silver Statue" was considered to be a top award. It is therefore not apparent that the award was given for excellence in the field of endeavor as required under this criterion.

In addition, the Petitioner has not established that it is a nationally or internationally recognized award. The evidence submitted on motion indicates that the award is managed by the University of [redacted] and that 35 "reputable and popular organizations" participated in the event, but the fact that the award is titled as a national award, and participation was apparently open to technology companies throughout Iran, does not establish that it is nationally or internationally recognized. The record does

¹ We note that the Petitioner also refers to previously submitted evidence as support for his claim under 8 C.F.R. § 204.5(h)(3)(ii), membership in an association in the field which requires outstanding achievements. Since he has not submitted new evidence in support of this criterion, and did not assert that he meets this criterion on appeal, this does not meet the requirements for a motion to reopen. We will therefore not consider his eligibility under this criterion, but will consider this evidence in the final merits determination below.

not include evidence that this event or award was recognized beyond the event's participants by the broader Iranian business or information technology community or in the general public.

Similarly, the Petitioner also submits an additional letter from [redacted], CEO of [redacted] Co., the Petitioner's former employer, in support of his contribution towards two awards received by that company. [redacted] states that the Petitioner "was one of our key employees to develop our in-house total banking solutions" and "was also our key person in bank network security. However, this letter does not provide details regarding specific projects or dates which might support the Petitioner's contribution to the company's receipt of these awards. Further, as we noted in our previous decision, the award given at the 2nd [redacted] Festival is undated, making it unclear as to whether the Petitioner was employed with [redacted] at the time it received the award, and the letter provides no clarification on this point. We also note that no further evidence was provided in support of any national or international recognition of either of the awards received by [redacted]

Accordingly, the Petitioner has not established on motion that he meets this criterion.

B. Evidence of the Individual's Participation, Either Individually or on a Panel, as a Judge of the Work of Others in the same or an Allied Field of Specialization for Which Classification is Sought

In our previous decision, we found that the evidence relating to the Petitioner's service as a judge for [redacted] in 2014 was insufficient, since it did not provide details on the entities judged or the criteria by which they were judged. On motion, the Petitioner submits a letter from [redacted] Director of [redacted] Center, who provides further details regarding the 2014 event and the Petitioner's role in acting as technical judge. [redacted] also states that the Petitioner served as a technical judge for [redacted] 2016," which he describes as another competition for creators of "fintech and related applications" to gain entry into the [redacted] startup accelerator. As such, the Petitioner has sufficiently established that he meets this criterion.

C. Final Merits Determination

Because the Petitioner has established that he meets the requisite three evidentiary criteria, we must now consider whether the totality of the record shows sustained national or international acclaim and demonstrates that the Petitioner is among the small percentage at the very top of the field of information technology management. We note that section 203(b)(1)(A)(i) of the Immigration and Nationality Act requires that a petitioner seeking classification as an individual of extraordinary ability show that his or her achievements "have been recognized in the field through extensive documentation." In this case, much of the record lacks sufficient detail and corroborating evidence to support the Petitioner's acclaim and positioning as an information technology executive.

The evidence shows that the Petitioner has worked in managerial and executive positions in the information technology industry since at least 2006, as confirmed in part by a letter from [redacted] dated January 2017 in which he expresses appreciation for the Petitioner's "valuable companionship, sympathy and supports for eleven years" with [redacted] and its subsidiary [redacted]

The second letter from [redacted] referenced above, confirms the Petitioner's role as senior project manager in charge of developing software, head of the infrastructure division, and as a key employee developing a secure banking network.

In addition, three brief letters from [redacted] confirm the Petitioner's role as technical deputy for [redacted] beginning from 2013. These letters also verify that the Petitioner was in charge of all technical departments for the company, and that as a result he received the highest salary in the company in 2016 and 2017. While the letters from his employers confirm that the Petitioner played a leading role for these companies, and was well-compensated for that role, they do not establish that this work garnered acclaim from those outside of these organizations at the national or international level.

Further, while the evidence indicates that he was employed in responsible positions with these companies at the time they received awards in the information technology field, the evidence regarding the awards given to [redacted] do not sufficiently tie any contributions by the Petitioner to the company's receipt of the awards. In addition, as discussed above, the evidence does not indicate that the particular awards received by [redacted] and [redacted] brought national or international acclaim for the companies or the Petitioner.

The evidence of awards personally received by the Petitioner include certificates of participation in [redacted] competitions in 2003, 2004, and 2005, as well as certificates showing that he finished in twelfth and eighth place, respectively, in student programming competitions in 2002 and 2003. As noted in our previous decision, however, the [redacted] certificates do not indicate that he received a prize or award. Similarly, the certificates which acknowledge his placings in the student programming competitions do not show that the Petitioner received a cash prize or other type of award as a result of those placings. More importantly, while these certificates demonstrate the Petitioner's skill as a software programmer, they do not serve to establish his acclaim as an information technology executive.

The evidence regarding the Petitioner's activity as a judge of the work of others also does not sufficiently demonstrate acclaim beyond his employment with [redacted] and [redacted]. Specifically, the letter from [redacted] thanking the Petitioner for his "participation in [redacted] as a judge," is on [redacted] letterhead, and he states that his title is "Member of the directing board and senior director at [redacted] Innovation and Technology Center."² As this event was conducted by an entity with an apparent relationship to his employers, the limited evidence concerning this event and the Petitioner's participation and role in it, which does not include information regarding other judges who participated in the event, or reports about the event in business or mass media, does not sufficiently demonstrate that he was selected as a judge due to any national or internal acclaim he may possess as an information technology executive.

The record also includes evidence of the Petitioner's participation in a roundtable at the Fifth Annual Conference on [redacted] held in [redacted] in [redacted] 2016. As we noted

² We note that the letter from [redacted] refers to the [redacted] event as being run by the [redacted]. The relationship, if any, between this entity and the [redacted] Innovation and Technology Center should be clarified in any further proceedings in this matter.

in our previous decision, this certificate does not demonstrate that he served as a judge of the work of others, nor does it provide detailed information about the conference or other members of the roundtable. While it does suggest that the Petitioner's expertise in the area of information technology management is recognized by experts in his field other than his employers, this limited evidence of a single event is not sufficient to establish the level of sustained national or international acclaim required for this classification.

Upon review of the totality of the evidence, we find that it does not establish that the Petitioner has the required sustained national or international acclaim as an information technology executive, or that he is one of the very few at the top of his field.

III. CONCLUSION

The Petitioner has submitted new evidence on motion which establishes that he meets the requisite three evidentiary criteria. However, after review of the balance of the record, we conclude that it does not support a finding that he has established the acclaim and recognition required for the classification sought. For these reasons, the Petitioner has not shown that he qualifies as an individual of extraordinary ability.

ORDER: The motion to reopen is denied.

Cite as *Matter of M-A-F-*, ID# 3199925 (AAO MAY 24, 2019)