



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

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

MATTER OF S-C-

DATE: NOV. 5, 2019

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Petitioner, a blogger, writer, and political analyst, 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 Nebraska 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, in the alternative, that he has met the requirements of at least three of the ten initial evidentiary criteria.

On appeal, the Petitioner asserts that he meets four of the initial evidentiary criteria, has sustained national or international acclaim, and is one of the few at the very top of his field.

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 a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying 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 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) (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 writer, blogger, economical/political analyst and critic on China issues.” As he has not received a major, internationally recognized award, the record must demonstrate that he satisfies at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). In denying the petition, the Director found that the Petitioner met the criteria for original contributions of major significance in his field at 8 C.F.R. § 204.5(h)(3)(v) and scholarly articles under 8 C.F.R. § 204.5(h)(3)(vi).

On appeal, the Petitioner asserts that he meets four of the evidentiary criteria. After reviewing all of the evidence in the record, we find that he does not meet the initial requirement of at least three evidentiary criteria.

Documentation of the individual’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 claim that he meets this criterion based on his appearance on several Chinese “Top Ten Bloggers” lists published by [redacted] and [redacted]. Specifically, he states that the following achievements qualify as nationally recognized awards for his writing:

- “Top Ten Bloggers of Impact,” as named by [redacted] in 2011, 2012 and 2013;
- “Top Ten Current Affairs Bloggers,” as named by [redacted] in 2014;

- “China’s Top Ten Writers,” as named by [redacted] in 2012;
- “Top Ten Most Influential Blogs,” as named by [redacted] in 2015 and 2016.

With respect to the recognition he received from [redacted], the Petitioner provided what appears to be a photograph of an award statuette, accompanied by a translation that states “Top Ten Bloggers of Impact award” with the Petitioner’s name. The Petitioner states that this is evidence of his 2011 award. He also provided a copy of a “Certificate of Honor” stating “[Petitioner] was awarded Top 10 Most Influential Blogger of [redacted] in 2012. Thank you for your support to our blog newspaper.” The statuette and certificate were accompanied by two translated pages identified only as “[Appendix] Blogger List on [redacted]” which appear to be the blogger lists from two different years.¹ The source of these appendices is unclear and only one of them is dated. The lists indicate that there were various Top Ten lists for “Most Influential,” “Most Appealing,” “Most Insightful,” as well as “special awards.” The Petitioner’s name is included on the lists among the “Most Influential.”

In addition, the Petitioner submitted an article titled “The Past and Present of the Famous Bloggers (Part 2) The top ten influential bloggers of the [redacted] [the Petitioner]” which was published by the website [redacted] in December 2016. The article mentions that the Petitioner was named “Top Ten Bloggers of Impact of [redacted] in 2011, 2012 and 2013,” but this article, written three years after the fact, is not media coverage of his appearance on [redacted]’s top ten lists or evidence that being named to such lists is regarded as a nationally or internationally recognized prize or award for excellence in the field. The article also indicates the Petitioner was chosen “to be a finalist in ‘The Past and Present of the Famous Bloggers’ but that appears to be a different honor or recognition that he does not claim he ultimately received.

The Petitioner also provided overviews of [redacted] from Nasdaq.com and Bloomberg.com, and a corporate profile from [redacted]. This evidence indicates that [redacted] is a “major new media” company in China, but it does not provide any information regarding the company-sponsored awards in support of the Petitioner’s claim that being named to a list is considered a nationally recognized prize or award for excellence. Finally, the Petitioner submitted profiles (obtained from various online sources) of four other Chinese bloggers who have been named to the [redacted] Top Ten Blogger lists since 2011, emphasizing that they are all “high profile figures.” While it appears that this evidence was submitted to establish that being named to the Top Ten blogger list is an award for excellence in the field, we cannot make a determination without information from the issuing organization regarding the criteria for selection.

The Petitioner asserts that this information was provided in a blog post from a fellow top ten list honoree ([redacted]) titled “[redacted] [redacted]’s post includes information from a blog written by another top ten blog honoree [redacted] regarding the list of winners in eight blog categories. The quoted blog post mentions that 250 “excellent bloggers” were selected to enter the voting stage according to factors such as “activity, blog quality and click volume.” The quoted blog indicates that voting was performed by “netizens” over a one-month period and subject to a final evaluation by the editorial department.

¹ One list is dated 2012 and the other is not dated. The translated pages are numbered page 323 and page 307 of an unidentified publication or publications.

Notably, [redacted] mentioned in his post that he did not realize he had been nominated or selected as a winner until he saw the results on the [redacted]'s homepage.

Therefore, while the Petitioner provided evidence that he received an award and provided information regarding the organization that issued it, he did not provide evidence regarding the nature and scope of [redacted]'s Top Ten bloggers lists, any limitations on the pool of competitors, the criteria used to select the honorees, or evidence of any contemporaneous national or international media coverage associated with his recognition on [redacted]'s "Top Ten" lists.² Therefore, he has not established that he received a nationally or internationally recognized prize or award for writing from this organization.

As noted, the Petitioner indicates that he was also recognized by [redacted] as being one of "China's Top Ten Writers" in 2012, and has having one of China's "Top Ten Influential Blogs" in 2015 and 2016. He submitted a certificate that states "Congratulations on your winning of Top 10 Writers in [redacted] column of [redacted] community in 2012. It [*sic*] is hereby issued the certificate for encouragement." The certificate was issued in January 2013 by [redacted]. He provided similar certificates issued in recognition of his 2015 and 2016 appearances on the "Influential Blogs" top ten lists.

The Petitioner also provided a screenshot of a page from the [redacted], which explained the criteria for selection of the "Top Ten Most Influential Blogs." There was a three-stage process: (1) bloggers entered the preliminary selection process through "netizen's recommendation and self-recommendation"; (2) those entered through this selection process were scored by netizens and the [redacted] blog editorial office; and (3) 50 finalists are scored based on "the number of votes in the primary" and the score of the [redacted]. According to this document, the top ten bloggers were given the title and "exquisite gifts."

This information is insufficient to establish that the Petitioner's appearance on the [redacted] Top Ten influential bloggers list is considered a nationally or internationally recognized award or prize for excellence in the field of writing. Further, the Petitioner did not provide any evidence that he received any recognition other than a certificate as a result of his appearance on either [redacted] top ten list. Also, the record does not show that the release of these top ten lists received national media coverage. Although the Petitioner submitted information regarding [redacted] from various sources, this evidence does not reference the company's awards for writing or blogging.

For these reasons, the Petitioner has not established that he has received nationally or internationally recognized awards or prizes for writing.

² See USCIS Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with certain I-140 Petitions, Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14*. 6 (Dec. 22, 2010), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html>. (noting that relevant considerations regarding whether the basis for granting a prize or award was excellence in the field include: the criteria used to grant the awards or prizes; the national or international significance of the awards; and the number of awardees or prize recipients as well as any limitations on competitors).

Published material about the individual in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii).

The Petitioner maintains that he meets this criterion based on the above-referenced 2016 article published by [REDACTED]³ While this article is about the Petitioner and his work as a blogger focused on Chinese economics and politics, the evidence does not identify the author of the article as required by the regulation.

Further, the Petitioner did not demonstrate that [REDACTED] is a professional or major trade publication or other major medium, such as through circulation statistics or other relevant data. The Petitioner seeks to rely on information from the website of the [REDACTED] which describes [REDACTED] as “a private nonprofit multimedia news corporation” that “brings award-winning domestic journalism and uncensored content to people in six Asian countries that restrict free speech.” While the provided information includes an estimate of the [REDACTED]'s audience size, the Petitioner did not establish that the circulation is high compared to the circulation data of other publications.⁴ Therefore, we find that the article does not meet all requirements for the published materials criterion.

Evidence of the individual'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 the regulation at 8 C.F.R. § 204.5(h)(3)(v), a petitioner must establish that not only has he made original contributions, but that they 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 Director determined that the Petitioner submitted evidence that satisfies this criterion, but did not discuss the evidence or reasoning that supported this determination. We disagree with the Director and will withdraw his finding that the Petitioner submitted evidence that meets this criterion.

The Petitioner notes that his work has been cited in academic journals and conferences, and submits copies of two such articles published in *International Journal of China Studies* and *ICS(UM)-EAI(NUS) International Conference*. While the Petitioner's work is cited, the authors of these articles do not discuss or comment on his work or his original contributions to the political discourse in China or its significance. The articles do not distinguish or highlight the Petitioner's written work from the other cited papers. Similarly, while the Petitioner is quoted more extensively in articles in other, non-

³ The Petitioner submitted other articles from online publications, such as *Science* and *Financial Times*, but they only quote him or his published work. These articles are about the topic on which he is quoted, and not about him or his work in the field. On appeal, the Petitioner's claim that he meets this criterion is based solely on the article published by [REDACTED]

⁴ See USCIS Policy Memorandum PM 602-0005.1, *supra* at 7.

academic publications, most notably in *Financial Times* and *Science* magazine, it is unclear how this evidence establishes his original contributions of major significance to the field.

The Petitioner has also submitted letters of recommendation from experts in Chinese and East Asian studies. [redacted] professor of political science at [redacted] University, states that the Petitioner is “one of the most popular and influential book writers and social media writers in China.” He discusses the Petitioner’s book [redacted], which provides [redacted] [redacted] [redacted]” [redacted] states that the book “had wide influence in China and went into a second printing,” and notes that the Petitioner’s concern “was subsequently proven justified as [redacted] [redacted] markets in many parts of China.” He also states that the Petitioner’s book [redacted] which included reform proposals for [redacted] management, “received more than 70 million visits and enjoyed great influence.” Finally, he addresses the Petitioner’s prolific blogging on the Chinese Internet, and notes that his work is highly ranked by the [redacted] which he describes as “the most influential [redacted] in China.”

[redacted] founder and president of [redacted] indicates in his letter the large number of articles the Petitioner has published, noting that “his articles have been read over 500,000 times.” He emphasizes that in [redacted] the Petitioner “proposed some rational suggestions for [redacted] on the Chinese stock market” and notes that [redacted] is “an important book on the development and construction of [redacted].” Finally, he notes that the Petitioner’s “column is carried by a large number of overseas Chinese media outlets.”

In addition, [redacted] a freelance media consultant, states of the Petitioner that “we are often together invited for media forum and open discussion, to write blogs and columns in media and Internet, to take interviews on domestic and [international] media.” He states that the Petitioner has “500 million readerships with 4000 articles” and states that the Petitioner’s books “are bestsellers with profit and great social significance.”

While these letters indicate that the Petitioner has made original contributions to the political and economic discourse in China through his writing, they do not articulate how his contributions have been widely implemented throughout his field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. Rather, the authors of the letters simply broadly describe the Petitioner’s work as influential by stating that it had a “profound impact,” “enjoyed great influence,” or is of “great social significance,” without describing, for example, how his book on the [redacted] actually “profoundly impacted” the stock market. Overall, the letters lack detailed information regarding the major significance of the Petitioner’s contributions. Letters that specifically articulate how a petitioner’s contributions are of major significance to the field and its impact on subsequent work add value.⁵ On the other hand, letters that lack specifics or use hyperbolic language do not add value, and are not considered to be probative evidence that may form the basis for meeting original contributions of major significance in the field.⁶ Here, the letters do not provide

⁵ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9.

⁶ *Id.* At 9. See also *Kazarian*, 580 F.3d at 1036, *aff’d* in part 596 F.3d at 1115 (holding that letters the repeat the regulatory

sufficient information and explanation, nor does the record include sufficient corroborating evidence of the influence of the Petitioner's work.

Finally, the Petitioner submits a screen shot from his page at [REDACTED]" which indicates that his column has 3208 articles, 1038 followers and over 21 million views. While the Petitioner's reported numbers of articles and views varies in the submitted evidence, the record reflects that the Petitioner has a large body of published work and a significant number of readers. However, the sheer volume of his written work alone is insufficient to demonstrate that he has made original contributions of major significance to the field of [REDACTED]. Publications are not sufficient under this criterion absent evidence that they were of "major significance" in the field. See *Kazarian v. USCIS*, 580 F.3d 1030, 1036 (9th Cir. 2009), *aff'd in part*, 596 F.3d 1115.

For all of the reasons discussed above, we find that the evidence does not establish that the Petitioner has made contributions of major significance to his field.

Evidence of the individual's authorship of scholarly articles in the field, in professional or major trade publications or other major media. 8 C.F.R. § 204.5(h)(3)(vi)

The Director determined that the Petitioner submitted evidence that meets this criterion. The Petitioner provided evidence that he authored an article titled [REDACTED] published by *China Strategic Analysis*. We agree with the Director that this criterion was met.

III. CONCLUSION

The evidence does not establish that the Petitioner received a major, internationally recognized award or that he meets three of the ten evidentiary criteria. As a result, we need not provide the type of final merits analysis determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in its entirety, and conclude that it does not support a finding that the Petitioner has established the sustained acclaim and standing in his field required for the classification sought. For these reasons, the Petitioner has not shown that he qualifies for classification as an individual of extraordinary ability.

The appeal will 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. Here, that burden has not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of S-C-*, ID# 5214476 (AAO Nov. 5, 2019)

language but do not explain how an individual's contributions have already influenced the field are insufficient to establish original contributions of major significance in the field).