



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 8707564

Date: AUG. 25, 2020

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, an architect, 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 Petitioner had satisfied only two of the initial evidentiary criteria, of which he must meet at least three.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. See Section 291 of the Act, 8 U.S.C. § 1361. Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1) 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).

II. ANALYSIS

The Petitioner indicates employment as a partner and lead architect with [redacted] and as a director of the [redacted] teaching committee with [redacted]. Because the Petitioner has not claimed or established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Director determined that the Petitioner met two of the evidentiary criteria relating to scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi) and leading or critical role at 8 C.F.R. § 204.5(h)(3)(viii).

On appeal, the Petitioner asserts that he meets two additional criteria. After reviewing all of the evidence in the record, we conclude that the Petitioner does not establish that he fulfills the requirements of at least three criteria.

Documentation of the alien’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 argues that he meets this criterion based on: 1) a “Silver Award” at the 2002 [redacted] Architectural Design Awards, 2) the “Professional Architect Award” from the Architecture Society of China (ASC) in 2010, and 3) a “Double Gold Award” at the 2015 [redacted] Architectural Planning and Design Competition from ASC. In order to fulfill this criterion, the Petitioner must demonstrate that he received the prizes or awards, and they are nationally or internationally recognized for excellence in the field of endeavor.¹ Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, and the number of awardees or prize recipients as well as any limitations on competitors.²

Although the Petitioner provided certificates reflecting that he received the awards, either individually or specifically mentioned as part of a group, he did not establish any of the awards’ national or international recognition for excellence in the field. As it relates to the 2002 award, the Petitioner did not provide any supporting documentation showing the national or international significance of the

¹ 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 6 (Dec. 22, 2010), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html>.

² *Id.*

“Silver Award” in the field. Here, the Petitioner’s submission of an “Honorary Certificate” evidencing his receipt of the award is insufficient to also demonstrate the award’s national or international recognition for excellence in the field. Moreover, while the Petitioner made various claims at the initial filing, in response to the Director’s request for evidence (RFE), and on appeal, he did not corroborate his assertions with supporting evidence.³

Regarding the 2010 and 2015 ASC awards, the record contains screenshots from ASC’s website that describe the history, background, and purpose of the society but does not show that either of its bestowed awards qualify as nationally or internationally recognized awards for excellence in the field. Although the screenshots claim that “[i]n order to support and encourage the work and contribution of the architectural engineering professionals, ASC awards over [a] dozen prizes including China Architectural Design Award and [redacted] Architecture Medal which is the supreme honor in the Chinese architectural field,” the Petitioner did not demonstrate that the field recognizes the ASC awards as national or international awards for excellence beyond ASC’s own assertions.

Similarly, the Petitioner submitted a self-promotional article posted on ASC’s website reporting on the 2015 competition. While the article boasts about the competition, such as “the event has been successfully held for [redacted] years,” “the contestants are strong,” “the scope of the competition is wide,” “the high level of award-winning projects reflects the highest and latest level of construction, planning, environment and technology in China,” and “the demonstration effect is strong,” the Petitioner did not establish that the 2015 award enjoys status as a nationally or internationally recognized award for excellence in the field. Furthermore, the Petitioner did not provide any independent, objective evidence outside of ASC showing the field’s recognition of the award.

On appeal, as it pertains to the 2010 award, the Petitioner submits an article from [redacted] announcing ASC’s award list for the “Professional Architect Award,” claiming that “[t]his award is the highest award among Chinese professional architects.” However, as mentioned above, ASC asserted that the [redacted] Architecture Medal . . . is the supreme honor in the Chinese architectural field.” Moreover, the article indicated that “[t]his is the first time in 8 years” since ASC presented the award, doubting its significance in the field. Further, the Petitioner did not demonstrate how a single article reporting on the award represents a level of media coverage for a nationally or internationally recognized award for excellence in the field.

For the reasons discussed above, the Petitioner did not establish that he satisfies this criterion.

Published material about the alien 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 contends that he fulfills this criterion based on articles published in Designer, China Architecture Mold Net, and ArchDaily. In order to satisfy this criterion, the Petitioner must

³ For instance, although he asserted that “[t]he [redacted] Engineering Survey and Design Award is the highest national award in China’s engineering survey and design industry, including [redacted] Architectural Design Project, excellent engineering construction standard design, and excellent engineering survey,” the Petitioner did not supplement the record to support his claims.

demonstrate published material about him in professional or major trade publications or other major media, as well as the title, date, and author of the material.⁴

Regarding the Designer article, it reflects published material about the Petitioner relating to his work. However, the Petitioner did not establish the author of the material. Although he provided a translation indicating the [redacted] and [redacted] the Petitioner did not specifically identify the actual author of the article.

As it relates to the China Architecture Mold Net and ArchDaily articles, the Petitioner provided screenshots of articles posted on mojiatong.com and archdaily.cn. The Petitioner, however, did not support the record with evidence of publication in China Architecture Mold Net and ArchDaily. Furthermore, the articles are about the [redacted] Renovation. While the mojiatong.com article interviewed the Petitioner, the questions are entirely about the renovation project without any discussion about the Petitioner. Likewise, the archdaily.cn article is exclusively about the renovation project rather than about the Petitioner. In fact, the Petitioner's name is only mentioned once in being listed as one of the chief architects on the project. Articles that are not about an alien do not fulfill this regulatory criterion. See, e.g., *Negro-Plumpe v. Okin*, 2:07-CV-820-ECR-RJJ at *1, *7 (D. Nev. Sept. 8, 2008) (upholding a finding that articles regarding a show are not about the actor).

Finally, the Petitioner did not demonstrate that Designer, mojiatong.com, or archdaily.cn represents a professional or major trade publication or other major medium. Although he contends on appeal that the articles appeared in professional publications, the Petitioner did not provide any corroborating evidence.⁵ In fact, as it relates to this criterion, the Petitioner only submitted the articles and translations without documentation relating to the publications or websites. Moreover, the Petitioner references his prior arguments he made in response to the Director's RFE; however, his previous assertions referenced material not offered into the record, such as "Alexa Web Traffic Report." In the case here, the Petitioner's unsubstantiated claims and unsupported references are not sufficient to establish the professional or major trade publication or other major medium status.

Accordingly, the Petitioner did not show that he fulfills this criterion.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary

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

⁵ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 7 (indicating that evidence of published material in professional or major trade publications or in other major media publications should establish that the circulation (on-line or in print) is high compared to other circulation statistics).

ability” standard. Matter of Price, 20 I&N Dec. 953, 954 (Assoc. Comm’r 1994). Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); see also section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and he 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). Although the Petitioner has designed architectural projects, the record does not contain sufficient evidence establishing that he is among the upper echelon in his field.

For the reasons discussed above, the Petitioner has not demonstrated his eligibility 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.

ORDER: The appeal is dismissed.