



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

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

In Re: 12236525

Date: DEC. 31, 2020

Appeal of Texas Service Center Decision

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

The Petitioner, an associate professor and general director in the geotechnical engineering field, 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 the record did not establish, as required, that the Petitioner meets at least three of the ten initial evidentiary criteria for this classification. The matter is now before us on appeal.

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, the Petitioner has not met this burden. Accordingly, 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 international 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 criteria 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).

## II. ANALYSIS

The Petitioner is an associate professor of engineering at [REDACTED] in [REDACTED] Venezuela and serves as the general director of [REDACTED]. He attended [REDACTED] where he received his bachelor’s degree in civil engineering in 1990 and a master’s degree in managerial engineering in 1994.

### A. Evidentiary Criteria

Because the Petitioner has not indicated 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 Petitioner claims to meet seven of the ten criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x):<sup>1</sup>

- (i), Lesser nationally or internationally recognized awards;
- (ii), Membership in associations that require outstanding achievements;
- (iii), Published materials relating to him and his work;
- (iv), Participation as a judge of the work of others;
- (v), Original contributions of major significance;
- (vi), Authorship of scholarly articles; and
- (viii), Leading or critical roles with organizations that have a distinguished reputation.

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<sup>1</sup> The Petitioner initially claimed he could satisfy the criterion relating to display of his work at artistic exhibitions or showcases at 8 C.F.R. § 204.5(h)(3)(vii), but has not pursued this claim on appeal or contested the Director’s decision that the criterion was not met. We therefore consider this issue to be waived. *See Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012) (stating that when a filing party fails to appeal an issue addressed in an adverse decision, that issue is waived). *See also Sepulveda v. U.S. Att’y Gen.*, 401 F.3d 1226, 1228 n. 2 (11th Cir. 2005), citing *United States v. Cunningham*, 161 F.3d 1343, 1344 (11th Cir. 1998); *Hristov v. Roark*, No. 09–CV–27312011, 2011 WL 4711885 at \*1, \*9 (E.D.N.Y. Sept. 30, 2011) (plaintiff’s claims were abandoned as he failed to raise them on appeal to the AAO).

The Director determined that the Petitioner met two of the seven claimed evidentiary criteria, relating to judging the work of others in his field and authorship of scholarly articles. The evidence demonstrates that the Petitioner has engaged in peer review of publications in his field and that he has published his work in professional journals and conference proceedings, and therefore satisfied the criteria at 8 C.F.R. § 204.5(h)(3)(iv) and (vi).

On appeal, the Petitioner asserts that he meets five additional criteria and contends that the Director “failed to consider the importance of the evidence presented” in support of these criteria. After reviewing all the evidence in the record, we conclude that he does not meet the initial evidentiary requirement of at least three 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)*

In order to satisfy this criterion, the Petitioner must demonstrate whether he has received lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.<sup>2</sup> Relevant considerations regarding whether the basis for granting the prizes or awards was for excellence in the field include, but are not limited to: the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, and the number of awardees or prize recipients as well as any limitations on competitors.<sup>3</sup>

In evaluating this criterion, the Director acknowledged the Petitioner’s receipt of awards and recognition certificates but determined that he had not established that they were nationally or internationally recognized awards for excellence. The Director also emphasized that at least one award appeared to be awarded to the Petitioner while he was a student and noted awards designed for students and early career professionals “inherently exclude established professionals who have already achieved excellence in the field.” On appeal, the Petitioner maintains that the Director failed to discuss each award individually and did not adequately explain why the evidence did not establish the national recognition associated with his awards.

The Petitioner claims eligibility under this criterion, in part, based on receipt of the [redacted] Award in 2004. The evidence reflects that [redacted], an engineering and construction company operating in Venezuela, sponsors a “Best Graduation Assignment” competition for students studying engineering at Venezuelan universities. Students submit their thesis papers through their university and the individuals selected by [redacted] as having the best graduation thesis or assignments receive a monetary prize and an award plaque. The submitted rules of the competition indicate that in addition to the prize received by the winning students, [redacted] also grants a plaque to the universities that submit papers selected for the prize, and to the winning students’ “academic and industrial tutors.”

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<sup>2</sup> 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>.

<sup>3</sup> *Id.* (indicating that an award limited to competitors from a single institution, for example, may have little national or international significance.)

The evidence reflects that the Petitioner was not the author of the “Best Senior Thesis in Civil Engineering [redacted]” but rather received his recognition plaque as the academic tutor for the [redacted] engineering student who had a winning paper. The student was the primary recipient of this award and it was his or her written work that was evaluated according to [redacted]’s scoring framework; the record does not reflect that the Petitioner’s contribution as an academic tutor was directly evaluated, judged or awarded.

Further, while the competition rules indicate that the [redacted] Award is open to engineering students in certain disciplines at any university in Venezuela, the evidence does not demonstrate the degree of national or international recognition associated with the award or otherwise establish its significance. The fact that the competition draws its entries from a national pool of student competitors is not sufficient to establish that it is a nationally recognized prize for excellence. Here, the Petitioner did not demonstrate the national or international significance of the award in the field but focused on the purpose and background of the competition. The record does not establish, for example, that recipients of the [redacted] Award receive recognition beyond the award ceremony held at [redacted]’s offices and from their individual universities.

The record reflects that the Petitioner was the recipient of the [redacted] award in 1992, when he was a graduate student at [redacted]. The record reflects that this award was created by the Venezuelan Society of Soils Mechanics and Foundations Engineering (SVMSIF, now known as the Venezuelan Geotechnical Society or SVDG) “with the purpose of fomenting in the students interest in the study and investigation in the Geotechni[c] Engineering field.” The evidence demonstrates that engineering students from Venezuelan universities who have completed special graduation assignments or graduation theses in the field of geotechnical engineering are eligible to compete for the award. Winners receive a recognition plaque, publication of their work in the SVMSIF *Bulletin*, and the opportunity to present their work at the SVMSIF’s bi-annual seminar.

The Director observed that the Petitioner has been the recipient of a student award, in this case a student award limited to engineering students whose thesis research fell within the specific discipline of geotechnical engineering. Based on the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(i), we do not find that student awards automatically disqualify individuals from meeting this criterion. However, an award limited by age or student status might be a relevant factor in determining whether the overall field acknowledges it for excellence. Ultimately, the issue for this criterion is whether the prizes or awards are nationally or internationally recognized for excellence in the field.

The Petitioner provided evidence that [redacted]’s newsletter *Noticias* published a brief announcement about his receipt of the [redacted] award in its [redacted] 1993 issue. While this evidence shows that he received recognition from the university he attended, he did not submit evidence establishing that this award is nationally or internationally recognized in the field. The Director issued a request for evidence (RFE) in this matter and the Petitioner was given the opportunity to submit additional evidence such as public announcements regarding the awarding of the prize or other documentation to establish that the award is recognized nationally or internationally beyond the awarding entity. The Petitioner provided evidence that the awarding entity is a national organization in the field and that it accepted entries from engineering students from any Venezuelan university. However, neither of these facts is sufficient to establish that the [redacted] award is a nationally recognized prize for excellence in the Petitioner’s engineering field. Based on the plain language of

the regulation at 8 C.F.R. § 204.5(h)(3)(i), a petitioner cannot meet this criterion solely by establishing receipt of an award from a national organization, but must also establish the degree of recognition or significance associated with the award itself.

Finally, the Petitioner has submitted evidence of several recognition plaques awarded to him in his capacity as an associate professor and academic tutor at [redacted]. The evidence reflects that these plaques were granted to him to express the appreciation of the university and of the graduating students he advised. For example, the recognition plaque granted in 2005 indicates that it was given to the Petitioner “as a gesture of appreciation for his support throughout our university career for always being an impeccable person as professor, friend, worthy of our respect and admiration.” The record does not establish that these recognitions from his students are nationally or internationally recognized awards or prizes for excellence in his field, or that they should be considered “awards” or “prizes.” It appears that the Petitioner seeks to rely on [redacted]’s ranking among Venezuelan universities in order to establish that the plaques he received are “nationally recognized.” Even if we could determine that the recognition plaques are awards rather than tokens of appreciation from students for his work as a professor, we note that an award limited to persons from a single institution may have little national significance, even if the institution itself is nationally recognized.

For the reasons discussed above, the Petitioner has not established that he has received lesser nationally or internationally recognized prizes or awards for excellence in his field.

*Documentation of the individual’s membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.*  
8 C.F.R. § 204.5(h)(3)(ii)

The Petitioner claims that he meets this criterion based on his membership in the Venezuelan Geotechnical Society (SVDG), the International Society for Soil Mechanics and Geotechnical Engineering (ISSMGE) and based on his admission as a faculty member of [redacted]’s Department of Building and Sustained Development. In order to satisfy this criterion, the Petitioner must show that membership in a given association is based on being judged by recognized national or international experts as having outstanding achievements in the field for which classification is sought.<sup>4</sup>

The Petitioner provided a letter from SVDG stating that he is a member of the society’s [redacted] committee and has been appointed as an advisor “for his career as a [redacted] Member, [redacted] of this Society and for his work published in National and International Congresses that support the recognition of his professional career as a Geotechnical Engineer in our country.” The evidence confirms that he held the elected Board of Directors positions of [redacted] and [redacted] 2009 and 2013.

The Petitioner also submitted an excerpt from SVDG’s bylaws which states that the levels of membership include Founding Members, Active Members, Senior Members, and Honorary Members.

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<sup>4</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 6 (providing an example of admission to membership in the National Academy of Sciences as a Foreign Associate that requires individuals to be nominated by an academy member, and membership is ultimately granted based upon recognition of the individual’s distinguished achievements).

The bylaws provide that Active Members are engineering professionals, registered with Venezuela's association of engineers, who "express their desire to belong in the society" and "comply with the requisites established in the Bylaws and that are accepted by the Board of Directors." The bylaws describe [redacted] Members as follows:

The [redacted] Members are those Active Members that, by resolution of the Board of Directors and in accordance with the respective ruling sanctioned by the Assembly of the Society, comply with all the requisites of having: antiquity and relevant trajectory in the membership of the Society and in the professional exercise of the geotechnical engineering, as well as special merits of an academic, scientific, ethical and professional character related to the geotechnical engineering.

The Petitioner also submitted the minutes from the general assembly meeting at which he was elected [redacted] of the SVDG. However, the supporting evidence does not include a description of the nomination and election process for Board of Directors positions or the requirements for appointed positions such as the [redacted] committee position that the Petitioner held more recently. The Petitioner must show that in order to obtain a given level of membership, he was judged by national or international experts as having attained outstanding achievements in the field. Although the Director requested additional evidence, the Petitioner re-submitted the same supporting documents in response to the RFE.

To the extent that the submitted section of the SVDG's bylaws discuss membership requirements, they do not establish that admission as a [redacted] Member requires "outstanding achievements" as a condition for membership. The bylaws refer to a "relevant trajectory . . . in the professional exercise of the geotechnical engineering" and "special merits of an academic, scientific, ethical and professional character." However, we cannot determine based on this vague language alone that these characteristics equate to "outstanding achievements" in the field. Further, based on the evidence submitted, the record does not establish whether "outstanding achievements" are a condition for nomination or election to the SVDG's Board of Directors positions or appointment to the society's [redacted] committee. Nor does the submitted evidence describe the nomination, election or appointment process for these positions, such that we could determine that the selections are made by recognized national or international experts. In fact, the Petitioner stated that he was elected "by the members of the engineering community during a General Meeting," which suggests that all members of the SVDG vote.

On appeal, the Petitioner contends that the Director failed to consider the opinions of experts in determining whether he satisfied this criterion. For example, he notes that Eng [redacted] the [redacted] of PERFOHMESA C.A., stated in his letter that the Petitioner's "high qualifications in the Geotechnical area led him to represent, by unanimous vote, in the Assembly of the most renowned engineers, as [redacted] of our Venezuelan Geotechnical Society." [redacted] [redacted]s statement however, does not indicate that "outstanding achievements" are a formal condition of being selected as [redacted] of SVGA or provide any further objective information about the organization's nominating and election processes for [redacted] members. Overall, while the evidence indicates that it was a significant professional achievement for the Petitioner to serve as the SVDG's [redacted], he did not provide sufficient evidence to establish that his membership with SVDG meets all elements of the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

The Petitioner also claims that he meets this criterion based on his membership with ISSMGE. According to the ISSMGE statutes and bylaws, this international society is composed of member societies (including SVDG) which are generally national societies in geotechnical engineering or soil mechanics. The bylaws further provide that each national member society “is composed in part or in full of individual members who are designated Individual Members of [ISSMGE].” Based on this evidence, the record reflects that all individual members of SVDG, including the Petitioner, are designated individual members of ISSMGE; there is no evidence that such members must be judged by recognized national or international experts as having attained outstanding achievements as a condition of being admitted as members of ISSMGE.

Finally, the Petitioner claims eligibility under this criterion as “a member of the Association of Professors” at [redacted] where he is currently an associate professor. The Petitioner submitted [redacted]’s regulations governing the hiring and promotion of the university’s faculty. These regulations describe “ordinary members” of the academic staff as instructors, assistant professors, associate professors and professors. The regulations state that professors must: commit to the university’s Code of Ethics, values and mission; possess academic credentials in higher education and personal, technical and professional skills required for the fulfillment of university functions; and comply with the requirements of the university’s internal regulations. Those admitted as “ordinary members” must have two years of full-time or four years of part-time employment at the university, possess a specialist degree or higher level, and have obtained satisfactory results in evaluations. Finally, the regulations state that ordinary members must produce products such as “peer-reviewed publications, patents and technological developments, professional works and intellectual creation works” that are characterized by “making some contribution to knowledge or its innovative didactic nature.”

Based on the foregoing the Petitioner has not established that admission to [redacted]’s teaching staff, or promotion to associate professor, requires outstanding achievements as judged by recognized national experts in the field. The evidence reflects that professors are expected to have an advanced degree, teaching experience, satisfactory annual evaluations, and to “make some contribution to knowledge” through research and publications. The record does not demonstrate that this typical academic career progression amounts to a requirement that the individual be judged to have “outstanding achievements.”

Therefore, based on the foregoing, the Petitioner has not established that he meets the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

*Published material about the individual in professional or major trade publications or other major media, relating to the individual’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 provided evidence in support of the published materials criterion, but the Director determined that none of the submitted articles satisfied all elements included in the regulations. The Petitioner submitted an excerpt from the *Proceedings of the [redacted] International Conference on Soil Mechanics and Geotechnical Engineering* held in [redacted] in 2013, and the record reflects that a similar article was published in the ISSMGE’s *Bulletin* (Volume 5, Issue 2). The ISSMGE conference

proceedings provide some background information regarding each national society member of the ISSMGE, including a brief section about SVDG. This section identifies the Petitioner as the SVDG [redacted] at the time of the conference, and it provides information regarding the SVDG and its activities. The submitted page from the ISSMGE *Bulletin* contains essentially the same information and mentions the Petitioner in passing as the [redacted] of SVDG. These articles are not “about” the Petitioner and do not identify the author of the material as required by the regulation.

As noted above, [redacted]’s publication *Noticias* ran a brief announcement about the Petitioner’s receipt of the [redacted] prize in 1993, while he was a student at the university. However, the Petitioner did not provide evidence that this university newsletter is a professional or major trade publication or other major medium, nor is there an author attributed to the news brief.

The Petitioner provided two articles that announce his election as [redacted] of SVDG. One article, which appears to be from a newspaper, is titled [redacted] [redacted] and is about the Petitioner and relates to his work. But the excerpt submitted does not identify the title or date of the publication in which the article appeared or the author of the material and therefore does not satisfy the elements of the regulation at 8 C.F.R. § 204.5(h)(3)(iii). An almost identical article was published in the [redacted] 2011 issue of *Maguén-Escado*, a publication of the Israelite Association of Venezuela. However, the article is not accompanied by evidence that it appeared in a professional or major trade publication or other major medium, nor does it identify the author of the material.

Finally, the Petitioner provided a screenshot of what appears to be a video interview of him that can be found on *YouTube*. He did not provide a transcript of the interview or any additional information about it. Based on this limited evidence, he did not demonstrate that it reflects published material about him in major media.

In addressing the published materials criterion on appeal, the Petitioner asserts that the Director did not consider the expert opinion of [redacted] University professor [redacted] in determining that the submitted evidence “is not within the required criteria.” In his letter, [redacted] indicates that he reviewed the evidence submitted under this criterion. He concludes that the Petitioner “been recognized by respected media outlets in the field” and thus he satisfies the published materials criterion. We may, in our discretion, use as advisory opinion statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. However, where an opinion is not in accord with other information or is in any way questionable, we are not required to accept or may give less weight to that evidence. *Matter of Caron Int’l*, 19 I&N Dec. 791 (Comm’r 1988). [redacted]’ letter does not address or overcome the specific evidentiary deficiencies discussed above and is not sufficient to establish that any of the submitted articles satisfy all elements of this 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 this criterion, petitioners must establish that not only have they made original contributions, but also that those contributions 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.

In evaluating this criterion, the Director acknowledged that the Petitioner documented his scholarly publications, academic tutoring responsibilities, and consulting projects and submitted reference letters from persons in his field, among other evidence. The Director determined that while the evidence shows that the Petitioner is an experienced professional in his field and has made contributions, the record does not establish his work has had a remarkable impact or influence in the field or is otherwise recognized for its major significance.

On appeal, the Petitioner emphasizes that the submitted testimonial letters from experts in his field establish “the importance of his contribution” in geotechnical engineering. We will consider probative analysis provided in opinion letters regarding the significance of the Petitioner’s contributions.<sup>5</sup> However, not all expert letters provide such analysis. Letters that specifically articulate how a Petitioner’s contributions are of major significance to the field and its impact on subsequent work add value. Letters that lack specifics do not add value and are not considered to be probative evidence that may form the basis for meeting this criterion.<sup>6</sup>

[redacted], an associate professor at [redacted] and a [redacted] of SVDG, states that he is familiar with the Petitioner’s teaching career and his contributions to SVDG. He notes that the Petitioner, during his tenure as [redacted] for SVDG “participated in activities that contributed to the Country’s geotechnical engineering union, in the organization of conferences, production of up-dating bulletins with technical documents for the distribution among members of the Society, study and implementation of standards and tariffs for the execution of geotechnical works.” [redacted] further states that the Petitioner’s background with SVDG and his teaching career “make him a candidate to contribute as an advisor or consultant in the geotechnical problems of the country,” and states that he can “attest that his contribution and participation in these cases can be of great importance.”

While [redacted] describes the Petitioner as an experienced professional in the field, he does not clearly describe his specific original scientific contributions or how they have already had a significant impact or influence in the field. For example, while he indicates that the Petitioner’s work with SVDG required him to contribute to “implementation of standards and tariffs,” he does not explain whether, for example, the Petitioner also developed these standards, what they were or how they were original, or whether that were widely adopted in the field. Another [redacted] of the SVDG, [redacted] provided a letter that is very similar in content, in that he also discusses the Petitioner’s responsibilities with the SVDG, and concludes that “he is qualified to contribute as an advisor in the country’s geotechnical problems.”

While we do not doubt that the Petitioner is well-qualified to advise or consult on important geotechnical engineering issues, this criterion requires him to identify his contributions and establish that his past contributions has been recognized as both original and majorly significant based on their impact and influence. The fact that he has served in elected offices with SVDG and assisted with

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<sup>5</sup> While we do not discuss every letter here, we have reviewed all letters submitted in evaluating this criterion.

<sup>6</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9.

organizing its activities does not, in and of itself, demonstrate that he made original contributions of major significance in his field.

In his letter, [redacted] of [redacted] indicates that the Petitioner has advised him on various projects with national and international companies and highlights his work advising Hebrew Immigrant Aid Society (HIAS) by assisting in geological studies for the location and drilling of deep water wells to supply drinking water to underserved communities in South America. He further notes that the Petitioner “has been an integral part of the development of social responsibility in low-income communities at the request of private companies.” The Petitioner also provided a letter from a program manager with HIAS, who further describes the consulting work he completed for this non-profit organization. While these letters indicate that the Petitioner has made valuable contributions to the HIAS project and several other projects, they do not specifically identify an original scientific contribution or indicate that his work on these projects has impacted the field, rather than the individual projects and the clients for which he served as an advisor or consultant.

The Petitioner also submits a list of [redacted] students’ thesis papers for which he is credited as “academic tutor,” copies of these papers, and a letter from [redacted] confirming that he serves as “thesis tutor” and guides “research from students in the field of geotechnical engineering that contribute to the development of engineering in the country (Venezuela).” However, this evidence does not establish whether or how he has made an original contribution of major significance through his thesis tutoring activities at [redacted] or that these activities have had an impact or influence in the field beyond the work of students in his department. The Petitioner has not provided, for example, evidence that he has collaborated with students on research that has been widely recognized as significantly influential in the field.

Finally, the Petitioner asserts that his published work establishes his original contributions in the field. He highlights the opinion of [redacted] who states in his letter that the Petitioner “has authored 6 articles that appeared in the proceedings of the Venezuelan Geotechnical Seminar, Venezuela’s most prominent conference in the field of Geotechnical Engineering.” The Director acknowledged the Petitioner’s publication of scholarly articles in determining that he met the criterion at 8 C.F.R. § 204.5(h)(3)(vi). Although published work may be “original,” this fact alone is not sufficient to establish that the work is of major significance. Peer-reviewed articles in journals or presentations at academic conferences that have, for example, provoked widespread commentary, received notice from others working, or have been frequently cited as authoritative in the field may be probative of the significance of an individual’s contribution to the field.<sup>7</sup>

Therefore, while we acknowledge [redacted]’ statement that the Petitioner published his work at a prominent conference, the Petitioner has not provided a citation history or other evidence demonstrating how often his work has been cited or otherwise establish that his articles and conference presentations have provoked widespread commentary. Further, the other reference letters submitted in support of the petition do not discuss the Petitioner’s published research findings or their significance.

The evidence demonstrates that the Petitioner has led an active and successful professional career in academia, as a consulting engineer in industry, and in Venezuela’s association for geotechnical

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<sup>7</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8.

engineering and has contributed to his university, his students, his clients and the SVDG. While the Petitioner has established that he is respected by his peers for his work, he has established that he has made original scientific contributions of major significance in the field.

*Evidence that the individual has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii)*

The Petitioner claims that he can satisfy this criterion based on his performance in leading and critical roles for SVDG, ISSMGE, [REDACTED], [REDACTED], and [REDACTED]. The Director determined that the Petitioner did not provide sufficient evidence to establish that these organizations have a distinguished reputation and did not further discuss his respective roles or whether they were leading or critical.

If a leading role, the evidence must establish that the individual is (or was) a leader. A title, with appropriate matching duties, can help to establish if a role is (or was), in fact, leading. If a critical role, the evidence must establish that the individual has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities.<sup>8</sup>

The Petitioner submitted letters from Venezuelan firms [REDACTED] and [REDACTED], where he has served as "Sub-Director and Main Assessor" and "General Director," respectively. [REDACTED] Human Resources Director of [REDACTED], states that the company is "considered among the 5 principal companies with earnings and national contracts, especially in the construction private center." [REDACTED] also provided a letter as a representative of [REDACTED]. She describes the firm as "a national renown company" and states that during the last decade it has been placed "among the first five (5) [REDACTED] Consulting Companies in Venezuela and also at an international level, where the concept of our company is very high." However, the record contains no independent and objective evidence of the relative rankings or national renown enjoyed by these companies and therefore does not establish the distinguished reputation of these organizations.

With respect to [REDACTED] the Petitioner provided some independent evidence regarding the university's reputation, including rankings from two sources. However, while the Petitioner may be deemed to perform critical teaching and mentoring duties for engineering students as an associate professor in the Department of Building and Sustained Development, the Petitioner has not demonstrated that this department enjoys a distinguished reputation in its own right. Nor has he shown how his associate professor position is leading within the university, or that it is a critical role, not only to his department, but of significant importance to the outcome of the university's activities as a whole.

Regarding ISSMGE, the Petitioner submitted a letter from its secretary general, who provides background information regarding the organization's purpose, confirms SVDG's membership in the organization and the Petitioner's former role as [REDACTED] of SVDG. Based on this limited information, the Petitioner has not supported his claim that he performed in a leading or critical role for ISSMGE.

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<sup>8</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 10.

The letter simply confirms the Petitioner's tenure as [redacted] of SVDG; it does not provide detailed and probative information that specifically addresses what role he held within ISSGME or how it was leading or critical.

Finally, the record contains ample evidence that the Petitioner held the role of [redacted] of SVDG's [redacted] from 2011 until 2013. As noted, a title, with appropriate matching duties, can help to establish if a role is (or was), in fact, leading. However, the Petitioner has not submitted a description of the duties and responsibilities of this position; the letter from this organization only confirms his level of membership and elected and appointed position titles. In addition, the record includes a description of the history and purpose of the organization but does not include independent evidence demonstrating that SVDG is recognized as having a distinguished reputation.

For the reasons discussed, the Petitioner has not submitted sufficient evidence to demonstrate that he meets 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 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).

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.