



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

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

In Re: 4992300

Date: JAN. 16, 2020

Appeal of Nebraska Service Center Decision

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

The Petitioner, a[n] carpet weaving artist, 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 Nebraska Service Center denied the petition, concluding that the record established that the Petitioner had met one of the ten initial evidentiary criteria, of which she 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 record reflects that the Petitioner has been a professional carpet weaver in the field of Uzbek traditional carpet weaving since 2008. She seeks to continue her work in the field of Uzbek traditional carpet weaving in the United States.

### A. Evidentiary Criteria

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Director found that the Petitioner met one of the evidentiary criteria relating to the artistic display of her work. The record reflects that the Petitioner has displayed her rugs at several artistic exhibitions such as the 2017 [redacted] in [redacted] New Mexico and the 2017 [redacted] Central Asia in [redacted]. We therefore agree with the Director that she meets this criterion. The Director also concluded that the Petitioner did not meet the criteria pertaining to awards at 8 C.F.R. § 204.5(h)(3)(i); membership at 8 C.F.R. § 204.5(h)(3)(ii); published material at 8 C.F.R. § 204.5(h)(3)(iii); original contributions at 8 C.F.R. § 204.5(h)(3)(v); and scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi).

On appeal, the Petitioner asserts that she also meet these additional criteria and provides additional evidence. After reviewing all of the evidence in the record, we find that the Petitioner has not established that she satisfies three of the criteria, as required.

*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 asserts that she meets this criterion through her receipt of the “international” 2016 [redacted] Prize for the Asia-Pacific region. In determining that the Petitioner did not meet this criterion, the Director noted that the record includes a copy of the award, but the Petitioner did not demonstrate how the award “constitutes a nationally or internationally recognized award for excellence in the field of carpet weaving.”

On appeal, the Petitioner asserts that the “extensive additional information” provided in her response to the Director’s request for evidence (RFE) established that this award is internationally recognized for excellence in her field of endeavor. She submits a document from the [redacted]

titled “Complete 2016 Application Kit for the [redacted] Award of Excellence for Handicrafts”<sup>1</sup> containing the criteria for the award. She also provides a letter of recommendation from [redacted] a cultural expert at [redacted] in [redacted] in which he states, “this award constitutes an internationally recognized award in the field of folk handicraft,” in the case of the Petitioner of “carpet weaving.”

Here the evidence in the record is insufficient to establish that the Petitioner meets this criterion. Specifically, the [redacted] correspondence and website printouts provided with her RFE response generally describe the organization, its function, and the guidelines for membership, but do not mention the award itself. In addition, these documents do not include information such as the award criterion, its national or international significance, or number of recipients, which might establish that the award is nationally or internationally recognized for excellence in the field, as required.

We note that the award’s application kit submitted by the Petitioner on appeal identifies four criteria for the receipt of this award. One of these requires that the recipient’s product demonstrate “excellence and standard-setting quality in craftsmanship” as determined by “the use of high quality materials, a high standard of technique and special attention to manufacturing and finishing details.” While this is sufficient to establish that the award is granted for excellence in the Petitioner’s field of endeavor, the document lacks information, such as the number of these awards granted by the [redacted] to carpet weavers and other artisans, which might show the award to be nationally or internationally recognized for excellence in the Petitioner’s field of endeavor.<sup>2</sup>

The Petitioner also provides [redacted]’s letter of recommendation containing language mirroring both the regulation at 8 C.F.R. § 204.5(h) and the award application materials. However, other than naming himself and another expert as the judges involved in the issuance of this award, his letter does not provide additional information about the award’s recognition. Therefore, [redacted]’s conclusory statement is insufficient to demonstrate that the Petitioner meets this criterion. *See 1756, Inc. v. United States Att’y Gen.*, 745 F. Supp. 9, 17 (D.D.C. 1990) (noting that we need not accept primarily conclusory statements).

For the foregoing reasons, the Petitioner has not established that she satisfies this criterion.

*Documentation of the alien’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 asserts that she meets this criterion through her membership in [redacted] the Uzbek Association of Artisans, Craftsmen, and Folk Artists [redacted]. The record includes three letters from [redacted], [redacted]’s chief executive officer (CEO) and one from [redacted]

<sup>1</sup> The Application Kit explains that this [redacted] award was established in 2001 by the [redacted] and that [redacted] since 2014 is continuing the programme under the patronage of [redacted] within Asia Pacific Region.”

<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>.

chairman of the [redacted] Regional Department of [redacted] in support of the Petitioner's claim. Both [redacted] and [redacted] state that the Petitioner is a "current and full member of the Association" and that it "requires outstanding achievements of its members, as judged by nationally or internationally recognized experts in the respective field of folk art," in the Petitioner's case, "traditional Uzbek carpet weaving." In another letter, [redacted] indicates "[a]s per the Charter of [redacted] Association, admission to the Association is allowed dependent on the suggestion of Art Experts Council," but the Petitioner does not provide the association's charter or other evidence that might corroborate this statement or otherwise provide information on the Art Experts Council. Thus, while the letters from [redacted] and [redacted] contain language that mirrors the regulation, neither those authors nor the Petitioner has pointed to sufficient evidence in the record that supports the claim that the organization requires outstanding achievements of its members, as judged by recognized national or international experts. Without additional evidence that accurately and credibly explains the association's membership requirements or selection process, conclusory statements are insufficient to demonstrate that the Petitioner meets this criterion. *See 1756, Inc. v. United States Att'y Gen.*, 745 F. Supp. 9, 17 (D.D.C. 1990).

We note in addition that [redacted]'s letter provides that [redacted] and [redacted] whom he identifies as experts in the field and members of the association's aforementioned "Art Experts Council," recommended the Petitioner's membership. However, he does not explain the basis of his knowledge, and neither he nor the Petitioner have offered sufficient evidence in support of this statement or otherwise demonstrating that members of the Art Experts Council are recognized as national or international experts in the field of carpet weaving. As we note above, conclusory statements are not sufficient to demonstrate the Petitioner meets this criterion, absent additional evidence.

For these reasons, the record does not demonstrate that the Petitioner 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*  
8 C.F.R. § 204.5(h)(3)(iii)

The record includes a properly translated article about the Petitioner titled "[redacted]" published in *Bukhoroi Oqshomi*, including the title, date, and author as well as a letter describing the article and confirming its publication in Number 47(11125). However, the Petitioner does not provide print circulation statistics or other appropriate evidence for *Bukhoroi Oqshomi* establishing that its circulation is high relative to that of other newspapers, or otherwise demonstrating that the newspaper rises to the level of major media.<sup>3</sup> She therefore has not shown that she meets this criterion.

*Evidence of the alien'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)

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<sup>3</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra* at 7 (noting that evidence of published material about the alien in major media should establish that the circulation (on-line or in print) is high compared to other circulation statistics.).

In order to satisfy the regulation at 8 C.F.R. § 204.5(h)(3)(v), the Petitioner must establish that not only has she 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 in the field.

Here the Petitioner maintains that her “mastery of Uzbek carpet weaving techniques” and her adaptation of them “to contemporary materials and tastes” constitute an original contribution to the field. She argues further that her skills have been “recognized as a contribution of major significance to the field by leading experts in this field.” She submits an additional letter from [redacted] as well as recommendation letters from [redacted] of [redacted] and [redacted] of the Academy of Arts of Uzbekistan (AAU), and [redacted] and [redacted] of the International Council of Museums (ICOM).<sup>5</sup>

While these letters indicate that the Petitioner is an expert carpet weaver, they do not support a finding that the Petitioner has made original contributions in the field, as she asserts. Specifically, the correspondence does not identify her original contributions in the field of carpet weaving or provide specific examples of how her work has been of major significance.<sup>6</sup> For example, [redacted] states, “[the Petitioner] is an accomplished carpet weaver who has made a contribution of major significance in this field,” but does not offer specific examples. [redacted] similarly notes, “[the Petitioner] is exceptionally capable” and that the “uncommon nature of [the Petitioner’s] work separates her from other skilled workers,” but does not identify any original contributions made by the Petitioner in her field of endeavor. Finally, [redacted] notes that during the Petitioner’s participation at an unidentified art show she “showed her ability of using appropriate patterns in weaving [redacted].” Letters that specifically articulate how the alien’s contributions are of major significance to the field and its impact on subsequent work add value. Letters that lack specifics and make broad, unsupported assertions do not add value, and are not considered to be probative evidence that may form the basis for meeting this criterion.<sup>7</sup> The record lacks other evidence corroborating the Petitioner’s assertions that her mastery and adaptation of Uzbek carpet weaving techniques are original contributions or that these techniques are of major significance in the field of carpet weaving. She therefore has not established that she meets this criterion.

As discussed above, we find that the Petitioner does not satisfy the three criteria relating to awards, published material, or membership. Although on appeal the Petitioner also claims that she meets the criteria related to scholarly articles, we need not reach this issue. We reserve it as the Petitioner cannot meet the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3). *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

<sup>4</sup> [redacted]’s letter indicates that he is [redacted] of this council.

<sup>5</sup> The record also includes letters from [redacted] providing references for [redacted] and [redacted], and from [redacted] of the AAU, describing this entity. We have reviewed this correspondence but do not discuss it here.

<sup>6</sup> While we discuss only a sampling of this correspondence here, we have reviewed all of the letters in their entirety.

<sup>7</sup> *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 9.

### 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 her 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 she 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 her 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.