



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

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

In Re: 6798659

Date: JULY 22, 2020

Appeal of Nebraska Service Center Decision

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

The Petitioner, an administrative services manager, 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.

After issuing a request for evidence in The Director of the Nebraska Service Center denied the initial petition. The Petitioner then filed a joint motion to reopen and motion to reconsider the Director's decision, which was subsequently dismissed. The Petitioner now appeals the Director's dismissal of these motions.

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

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 two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate 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 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 submits qualifying evidence under at least three criteria, we will then determine whether the totality of 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.<sup>1</sup>

---

<sup>1</sup> *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.

A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).

A motion to reconsider must (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or U.S. Citizenship and Immigration Services (USCIS) policy, and (2) establish that the decision was incorrect based on the evidence in the record of proceedings at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

In addition, the regulation specifies motion filing requirements, providing that a petitioner must submit “a statement about whether or not the validity of the unfavorable decision has been or is the subject of any judicial proceeding and, if so, the court, nature, date, and status or result of the proceeding.” 8 C.F.R. § 103.5(a)(1)(iii)(C). The regulation at 8 C.F.R. § 103.5(a)(4) requires that “[a] motion that does not meet applicable requirements shall be dismissed.”

## II. ANALYSIS

The Director denied the Petitioner’s initial petition, finding that she had neither demonstrated her receipt of a major internationally recognized award, or met any of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), as required. The Petitioner filed a joint motion to reopen and reconsider the Director’s decision, which he subsequently dismissed.<sup>2</sup>

On appeal, the Petitioner argues that the Director erred in dismissing these joint motions. She also provides additional evidence to establish her eligibility for the classification sought. She submits an appellate brief, a copy of the brief filed with her joint motions, certificates of participation for her appearance as a guest speaker from the University of [redacted] College of Business Administration and for her role as a judge selecting the “best Management and Marketing Strategies” advertising for [redacted] of the Philippines, and her Form I-797C, Notice of Action, confirming the Nebraska Service Center’s receipt of her joint motion filing. The Petitioner also submits a supplementary appellate brief along with copies of her certificates of excellence from [redacted], [redacted], the [redacted] and [redacted].

Here we find that the Director’s decision was not in error for the reasons discussed below and will dismiss her appeal accordingly.

---

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).

<sup>2</sup> In addition to the grounds addressed below, we note that these motions failed to meet the regulation at 8 C.F.R. § 103.5(a)(4) as they do not include the “statement about whether or not the validity of the unfavorable decision has been or is the subject of any judicial proceeding and, if so, the court, nature, date, and status or result of the proceeding” required pursuant to 8 C.F.R. § 103.5(a)(1)(iii)(C), (a)(4).

## A. Motion to Reopen

The Director dismissed the Petitioner's motion to reopen on the grounds that it was not accompanied by new evidence. As noted above, a motion to reopen must state new facts and be supported by affidavits or other documentary evidence. *See* 8 C.F.R. § 103.5(a)(2). On appeal, the Petitioner asserts that the Director erred in his decision as she had provided the aforementioned certificates of participation as new evidence with her motion to reopen. However, the record reflects that the Petitioner previously submitted these documents as Exhibit 20 accompanying her response to the Director's June 2018 request for evidence (RFE).<sup>3</sup> Therefore, they cannot be considered documentary evidence of new facts, and providing them on appeal is not sufficient to overcome the Director's grounds for dismissing her motion to reopen. The Petitioner submits no other evidence demonstrating that the Director improperly denied this motion to reopen. We therefore find that the Director properly determined that the Petitioner had not complied with the requirements of 8 C.F.R. § 103.5(a)(2).

## B. Motion to Reconsider

A motion to reconsider must establish that a decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). In dismissing the Petitioner's motion to reconsider, the Director noted that her motion did not "establish that the decision was incorrect based upon evidence of record at the time."

On appeal, the Petitioner reasserts that her motion "provided reasons for reconsideration and reopening supported by precedent decisions." She does not specify these reasons in her appellate brief, indicate which precedent decisions supported them, or identify errors of fact or law made by the Director in his decision. Upon review of the motion itself, we note that the Petitioner does not state the reasons why the Director should reconsider his decision in the brief accompanying it. Without this or other evidence demonstrating that the Director's decision was based upon an incorrect application of law or policy, the Petitioner has not established that her motion complied with the requirements for a motion to reconsider found at 8 C.F.R. § 103.5(a)(3).

In the alternative, we review the record to determine whether the Director's decision was in error based upon the evidence in the record at the time.<sup>4</sup> On motion, the Petitioner asserted that the Director erred in determining that she had neither received a major internationally recognized award nor established her eligibility for the evidentiary criteria related to lesser national or internationally recognized awards, membership, published material, judging, original contributions, scholarly articles, leading or critical role, and salary found at 8 C.F.R. § 204.5(h)(3)(i)-(x).<sup>5</sup>

---

<sup>3</sup> In June 2018, the Director issued a request for additional evidence establishing that the Petitioner would continue to work in her area of expertise; that her entry would substantially benefit prospectively the United States and; that she met the criteria related to awards, membership, judging, display, and leading or critical role pursuant to 8 C.F.R. § 204.5(h)(3)(i),(ii),(iv),(vii), and (viii).

<sup>4</sup> We note that the Petitioner did not address this ground on appeal, but rather "pray[ed] for reconsideration and reevaluation of the previously submitted pieces of evidence."

<sup>5</sup> The Director also determined in his denial that the Petitioner had not met the criterion related to display found at 8 C.F.R. 204.5(h)(3)(vii). On motion, the Petitioner does not contest this finding. We therefore deem it waived and will not address it in our analysis.

As it relates to receipt of a one-time major internationally recognized award, the Petitioner asserted on motion that she had received such an award as demonstrated by the certificates of excellence from [redacted], [redacted], and [redacted] she submitted with her response to the Director's RFE. She argued that these awards she received qualified as international as they were issued by an international company and "on its face [it] appears to be a Top Achievement relating to the field." However, the regulation provides that a qualifying award must be a major, internationally recognized one, not that it should be issued by an international company. See 8 C.F.R. § 204.5(h)(3). The Petitioner does not provide evidence, such as media articles or other appropriate materials, showing that these awards were internationally recognized in her field. Without this evidence, she does not show the significance of these awards or how they rise to the level of a one-time major internationally recognized award.

The Petitioner further claimed that these awards "appear[ed] to be a Top Achievement relating to the field." Given Congress' intent to restrict this category to "that small percentage of individuals who have risen to the very top of their field of endeavor," the regulation permitting eligibility based on a one-time achievement must be interpreted very narrowly, with only a small handful of awards qualifying as major, internationally recognized awards. See H.R. Rep. 101-723, 59 (Sept. 19, 1990), reprinted in 1990 U.S.C.C.A.N. 6710, 1990 WL 200418 at \*6739. The House Report specifically cited to the Nobel Prize as an example of a one-time achievement; other examples which enjoy major, international recognition may include the Pulitzer Prize, the Academy Award, and an Olympic Medal. The regulation is consistent with this legislative history, stating that a one-time achievement must be a major, internationally recognized award. 8 C.F.R. § 204.5(h)(3). The selection of Nobel Laureates, the example provided by Congress, is reported in the top media internationally regardless of the nationality of the awardees, reflects a familiar name to the public at large, and includes a large cash prize. While an internationally recognized award could conceivably constitute a one-time achievement without meeting all of those elements, it is clear from the example provided by Congress that the award must be global in scope and internationally recognized in the field as one of the top awards.

Although the Petitioner asserted on motion there is "International [*sic*] media coverage regarding the winners," she did not provide materials demonstrating this coverage as it was "unavailable to [her] at the time of filing." She further claimed that these awards were posted in social media in a manner "similar as the announcement of Nobel Prize winners, Grammy, Golden Dove, Oscar etc." but did not provide evidence corroborating this assertion. The Petitioner did not submit other evidence demonstrating that these awards are global in scope and recognized internationally in the field as the top awards, or otherwise establishing that they are a major internationally recognized award. Without this evidence, she has not shown that she received such an award. Accordingly, we find the Director correctly determined that the Petitioner had not received a one-time major international award based upon the evidence in the record before him.

As the Petitioner had not 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 none of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). On motion, the Petitioner asserted that the Director was in error, and that she met at least three of these

criteria, an argument which she repeated on appeal. For the reasons discussed below, the Petitioner did not demonstrate on appeal that the Director erred in dismissing her motion to reconsider.

*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)*

As it relates to this criterion, the Petitioner provided an award certificate from [redacted] a certificate of achievement from [redacted] a certificate of contribution from [redacted] certificates of participation and recognition from [redacted] and an achievement award from [redacted]. She also submitted a certificate stating that she was selected as a finalist for the People Manager of the Year by the [redacted] and the nomination form for this award.

In his decision the Director acknowledged these certificates but concluded that she did not meet this criterion because the [redacted] award was not granted in her field of endeavor. Rather, he determined, it was granted in the field of human resources, a field “not related to the area that the [Petitioner] is applying for as an administrative service manager.” On motion, the Petitioner asserted that the Director erred in deciding this as “this award was intended not only for Human Resources but also for Administrative manager [*sic*]” and is to “recognize excellence in human resources, administrative and manager.” However, the evidence submitted by the Petitioner does not corroborate her assertion. The [redacted] award nomination form states that it “recognizes the HR practitioner who has imbibed and modelled the strategic role of human resources” and requires that “the awardee continues to make significant contribution to the development of the HR profession.” The Petitioner does not provide evidence establishing that the field of human resources management is the same or allied with the field of administrative management such that she would meet this criterion. It is the petitioner’s burden to establish eligibility for the benefit sought at the time of filing. *See* 8 C.F.R. § 103.2(b)(1). Absent evidence demonstrating that this award is given in her field of endeavor, the Petitioner has not provided documentation sufficient to demonstrate that she has received a nationally or internationally recognized award for excellence in the field of administrative management.

As it relates to the remainder of the awards, the Petitioner does not submit documentation sufficient to establish that these awards are nationally or internationally recognized in her field of endeavor, as required. The certificate from [redacted] is presented to the Petitioner for “her involvement in the [redacted]” but the Petitioner does not provide information about this network and the record lacks other evidence establishing that it is in her field of endeavor or an allied one. The certificate from [redacted] is for the Petitioner’s work in “volunteering to be one of the facilitators in our team building program” while one of the [redacted] certificates confirms that the Petitioner “successfully participated and passed our Sales and Collection Training Program.” However, the Petitioner does not provide evidence demonstrating that facilitating a team building program or participating in sales and collection training are in the field as administrative management, and therefore that these awards are given for excellence in her field of endeavor. Further, while the second [redacted] certificate and the [redacted] achievement award recognize the Petitioner’s effort and achievement, they do not indicate for what or in which field this recognition is conferred. For example, the certificate from [redacted] merely states that the certificate is awarded “for [the Petitioner’s] Outstanding Effort and

Achievement.” The Petitioner does not provide additional materials clarifying why or for which field of endeavor she received these awards. As we noted above, the Petitioner bears the burden of establishing eligibility for the benefit sought. *See* 8 C.F.R. § 103.2(b)(1). Without additional information identifying the field of endeavor, she has not established that she received awards in this field. Accordingly, she has not met this burden.

As an additional matter, the Petitioner does not provide evidence, such as news media articles or other relevant documentation, showing that any of the awards discussed above are nationally or internationally recognized for excellence in her field. For the reasons discussed above, the Petitioner has not shown that she meets 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 Director noted in his decision that to demonstrate that she met this criterion, the Petitioner provided certificates of membership in [redacted] and in [redacted] as well as a certificate establishing her completion of a two-day training program sponsored by [redacted].<sup>6</sup>

On motion, the Petitioner asserted that the Director erred in determining that there was no evidence in the record showing that she was a member of associations requiring outstanding achievements of their members. She referenced her memberships in both [redacted] and [redacted] but focused on her [redacted] membership. The Petitioner asserted that [redacted] is “an association limited to individuals/persons of good moral standing in the community” and that the prerequisites for membership include “outstanding contributions and knowledge and highly skilled expertise in Management.” While the aforementioned [redacted] certificate confirms that the Petitioner is a member of [redacted] the record lacks documentation, such as bylaws, membership requirements, or other appropriate evidence, corroborating her claim that the organization requires outstanding achievements of its members. Similarly, the Petitioner did not provide evidence demonstrating that [redacted] requires outstanding achievements of its members, as judged by national or international experts in administrative management. It is the petitioner’s burden to establish that she is eligible for the benefit sought. *See* 8 C.F.R. § 103.2(b)(1). Without evidence establishing that [redacted] or [redacted] requires outstanding achievements of its members, the Petitioner has not provided documentation sufficient to demonstrate that she met 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)

---

<sup>6</sup> We note that the Petitioner provided a certificate of membership in the organization [redacted] rather than one in [redacted] as stated by the Director. However, evidence in the record is sufficient to establish that she is also a member of [redacted]. Specifically, the [redacted] nomination form states that eligibility for this award is predicated on being a member in good standing.

The Petitioner claimed that she met this criterion for the first time in her response to the Director's RFE and provided an article titled [redacted] published in *Working Mom* magazine and a letter from the article's author confirming its publication with her response. The Director determined that this documentation was insufficient to establish that she met the requirements of this criterion. On motion, the Petitioner argued that the Director erred as he had overlooked the fact that this article included a title, date, and author, and was about her work both in the field of management and as a mom.

As the Petitioner argues on motion, the article includes the title, date, and author, as required by the regulation at 8 C.F.R. § 204.5(h)(3)(iii). However, this regulation also provides that the published material must be about the Petitioner relating to the work in the field in which classification is sought. Here the published material focuses on the Petitioner's experience as a working mother rather than her role as an administrative manager. While one paragraph contains glowing accolades from her colleagues about her ability to encourage employees to work together as a team, it concludes with "A great mom and awesome boss is what she is," and does not address her role as an administrative manager beyond this praise.

Even were we to consider this article in the light most beneficial to the Petitioner, she does not provide evidence, such as on-line circulation statistics or other relevant data, to show that *Working Mom's* circulation is high relative to others, and thus is a major medium.<sup>7</sup> The record further lacks information about the magazine showing that it is a professional or major trade publication or other major medium, as required.<sup>8</sup> Accordingly the Petitioner has not submitted evidence sufficient to demonstrate that she meets this criterion.

*Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought. 8 C.F.R. § 204.5(h)(3)(iv)*

In his denial, the Director acknowledged the Petitioner's submission of multiple certificates of participation and appreciation recognizing her work on speaking panels, as well as one confirming her participation on a judging panel for [redacted] products. He noted that "[t]he phrase "a judge" implies a formal designation in a judging panel... rather than a presenter or contributing to marketing strategies" and concluded that this evidence did not meet this criterion. On motion, the Petitioner pointed to a letter of appreciation from [redacted] University for her work as a guest speaker and to a certificate of participation from [redacted] Broadcasting for serving on a panel of judges selecting the "best management and marketing strategies of [redacted] products" as evidence that she met this criterion. She asserted that she was "one of three paid judges" on this [redacted] panel and that this "judging is related to management." She asserts that, as management is an allied field of administrative management, this demonstrates that she had participated as a judge of the work of others in the same or an allied field of specialization.

---

<sup>7</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>8</sup> *Id.*, at 7.

With respect to the letter from [redacted] University, this document thanks the Petitioner for her work as a guest speaker on a panel, while the certificate of appreciation from the same organization thanks the Petitioner “for giving an enlightening and insightful talk” in a seminar on entrepreneurship. The Petitioner does not provide evidence, such documentation of additional duties performed in this role or other relevant information, showing that being a guest speaker equates to participating as a judge of the work of others. Accordingly, the certificate and letter are not sufficient to establish that the Petitioner meets this criterion.

Regarding her role as a paid judge for the [redacted] panel, the Petitioner provides only the aforementioned certificate acknowledging her participation as a judge selecting the best “‘Management and Marketing Strategies’ in making advertisement for [redacted] [redacted].” She does not submit additional information about the event or the duties she performed in this role, a description of the marketing and management strategies she judged, or other relevant information necessary to determine whether this activity qualifies under this criterion. Further, while she asserts that this judging was related to managing and thus is in the same or an allied field of administrative management, she does not provide evidence establishing this. It is the burden of the petitioner to establish her eligibility for the benefit sought. *See* 8 C.F.R. § 103.2(b)(1). Here the Petitioner has not done so as the submitted evidence does not sufficiently demonstrate that she has participated as a judge of the work of others in the same or an allied field of specialization to administrative management. Accordingly, she has not established 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)

In order to satisfy the regulation at 8 C.F.R. § 204.5(h)(3)(v), a 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.

The Petitioner asserted that she met this criterion as shown by certificates of appreciation and reference letters from former employees in support of this assertion. The record reflects that she provided a Certificate of Recognition from the [redacted] Bureau of Internal Revenue for her work in “surpassing her Collection Goal,” and a certificate of excellence from [redacted] [redacted] recognizing her “outstanding performance throughout the year.” While these awards are indicative of the quality of her work, they do not identify how the Petitioner’s contributions to these entities are original in nature. Without this information, we cannot determine if these awards sufficiently establish that she has made original contributions in her field. Further, the Petitioner does not provide evidence of or discuss how these contributions have been widely implemented or impacted the field in a manner reflective of major significance in the field.

With respect to the letters of recommendation in the record, while they identify the Petitioner’s contributions, generally they do not provide specific examples demonstrating the impact of these contributions on the field as a whole. For example, the letters of certification and of recommendation from [redacted] head of finance at [redacted] praise the Petitioner for “developing many sales plan [sic] leading to an increase in our sales revenue” and for how her



“excellent leadership and management dedication have helped this company meet its sales targets for an entire year within three months.” In her correspondence, [redacted] Philippine School of Business Management, discusses a manuscript titled [redacted] and states that this research is “original and has not been published elsewhere at this time.” However, she does not provide examples of how this original research has significantly impacted the field.

[redacted] University, notes that the Petitioner’s presentation on the subject of [redacted] was “highly appreciated,” and praises her for her “views on developing an efficient marketing strategy.” [redacted] continues, “[w]e will definitely take your words into practice,” but does not offer specific examples of how these views have already impacted or been widely implemented in the field. 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 simply use hyperbolic language do not add value and are not considered to be probative evidence that may form the basis for meeting this criterion.<sup>9</sup> Without the inclusion of specific examples of how the Petitioner’s work is of major significance in the field of administrative management, this correspondence is insufficient to establish that the Petitioner met this criterion.

*Evidence of the alien’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)

On motion, the Petitioner argued that the Director should consider materials that “research... conducted for proprietary purposes such as industrial research and product development pose special issues” as comparable evidence of the authorship of scholarly articles in her field, as petitioners who might publish their findings in these areas cannot publish in the public domain. She referenced a “Letter of Employee Commendation” from a previous employer as comparable evidence of her publication of scholarly articles. Upon review of this letter, we note that it does not discuss the Petitioner’s publication of any materials, instead commending her for excellent work in management support, rather than research conducted for proprietary purposes.

The regulation at 8 C.F.R. § 204.5(h)(4) allows for comparable evidence if the listed criteria do not readily apply to her occupation. A petitioner should explain why she has not submitted evidence that would satisfy at least three of the criteria set forth in 8 C.F.R. § 204.5(h)(3) as well as why the evidence she has included is “comparable” to that required under 8 C.F.R. § 204.5(h)(3). Here, the Petitioner has not shown why she cannot offer evidence that meets at least three of the criteria. General assertions that any of the ten objective criteria do not readily apply to an occupation are not probative and should be discounted. The fact that the Petitioner did not submit documentation that fulfills at least three is not evidence that an administrative manager could not do so. For these reasons, the Petitioner did not show that she fulfills this criterion through the submission of comparable evidence.

As noted above, the record also contains correspondence from [redacted] discussing the possible publication of the Petitioner’s original work in the *Journal of Innovative Business Studies*. However, the Petitioner does not provide evidence that this work was published, as required at 8 C.F.R. §

---

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

204.5(h)(3)(vi). *See also* 8 C.F.R. §103.2(b)(1) (requiring a petitioner to establish eligibility at the time of filing.)

*Evidence that the alien 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)

In order to establish that she met this criterion, the Petitioner provided certificates of appreciation from [redacted] and [redacted] as well as letters of recommendation from [redacted] manager at [redacted] and from [redacted] payroll officer at [redacted]. The Director acknowledged these certificates and letters in his dismissal but stated that they were insufficient to demonstrate that she had served in a leading role for establishments that have a distinguished reputation. On motion, the Petitioner argued that the Director's decision was in error as the letters contained "detailed facts about petitioner's leading and significant role in every organization she has worked with." As we discuss below, we agree that the letters contain facts regarding the role that the Petitioner performed at these establishments.<sup>10</sup>

As it relates to a leading role, the evidence must establish that a petitioner is or was a leader. A title, with appropriate matching duties, can help to establish if a role is or was, in fact, leading.<sup>11</sup> Regarding a critical role, the evidence must demonstrate that a petitioner has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities. It is not the title of a petitioner's role, but rather the performance in the role that determines whether the role is or was critical.<sup>12</sup> In addition, this criterion requires that the organizations or establishments must be recognized as having a distinguished reputation, which is marked by eminence, distinction, or excellence.<sup>13</sup>

Regarding a leading role, neither the certificates nor correspondence provide a title and matching duties, or other details that might help to establish that the Petitioner's role at [redacted] [redacted], and [redacted] [redacted] or [redacted] was a leading one. The Petitioner does not provide other materials, such as organizational charts or other appropriate evidence, showing that she served in a leading role for these institutions. Without this evidence, the Petitioner has not sufficiently demonstrated that she has performed in a leading role for these entities.

As it relates to performing in a critical role for these companies, the certificates discussed above lack descriptions of the Petitioner's contributions to [redacted] [redacted] and [redacted]. They further lack, and the Petitioner does not provide, information on how the Petitioner's contributions were of significant importance to the outcome of the respective establishments' activities.

<sup>10</sup> The Petitioner does not explicitly state whether she submits evidence intended to demonstrate that she served in a leading role or in a critical role for these organizations, so we review the evidence as it relates to both.

<sup>11</sup> *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 10.

<sup>12</sup> *Id.*, at 10.

<sup>13</sup> *Id.*, at 10-11.

Regarding the correspondence from [redacted] and [redacted] we note that this contains statements describing the Petitioner's contributions to their respective companies. [redacted] notes "[the Petitioner] brought great value to [redacted] by consistently exceeding quotas and selling in the top 15%" of her peers." [redacted] writes that the Petitioner has "embraced leadership opportunities" and that "when a project came up from a particularly difficult client, [the Petitioner] was there to step forward and lead the team and to coordinate the proposal." [redacted] states that the "proposal was accepted on the first try." However, neither [redacted] nor [redacted] provide detailed examples of how the Petitioner's actions were of critical importance to the outcomes of their respective companies. Letters from individuals with personal knowledge of the significance of the alien's leading or critical role can be particularly helpful as long as the letters contain detailed and probative information that specifically addresses how the petitioner's role for the organization or establishment was leading or critical.<sup>14</sup> As the correspondence provided by the Petitioner does not contain this detailed information, these materials are not sufficient to establish that she has served in a critical role for these companies.

Moreover, even had the Petitioner demonstrated that she performed in a leading or a critical role for the establishments discussed above, she does not provide evidence demonstrating that they enjoy a distinguished reputation. She therefore did not establish that she meets this criterion.

*Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.* 8 C.F.R. § 204.5(h)(3)(ix)

In her response to the Director's RFE, the Petitioner newly claimed to meet this criterion and submitted a salary certificate from [redacted] and a printout from payscale.com titled "Average Administrative Services Manager Salary" providing salaries for administrative services managers in the United States. The Director did not address this criterion in his decision. The Petitioner notes the Director's lack of analysis on motion, and points to evidence from glassdoor.com and from salary.com showing comparative salaries for administrative services managers in the Philippines that she asserts was provided with her RFE response.<sup>15</sup>

On appeal, the Petitioner again asserts that she meets this criterion based upon the evidence in the record. The burden is on the petitioner to provide appropriate evidence, including, but not limited to, geographical or position-appropriate compensation surveys and organizational justifications to pay above the compensation data, demonstrating that she meets this criterion.<sup>16</sup> Further, a petitioner working in a different country must be evaluated based on the wage statistics or comparable evidence in that country.<sup>17</sup> Here the salary certificate in the record reflects that from March 2004 through June 2006, [redacted] paid the Petitioner a gross salary of 35,000 while she was working in the Philippines.<sup>18</sup> Therefore, appropriate evidence may be compensation surveys reflecting the wages for administrative service managers in the Philippines, or other appropriate materials. However, the printout from payscale.com provides the average administrative services manager salary

---

<sup>14</sup> See USCIS Policy Memorandum PM 602-0005.1 *supra*, at 10.

<sup>15</sup> We note that the record does not contain the documentation from glassdoor.com and salary.com regarding salaries in the Philippines as asserted.

<sup>16</sup> *Id.*, at 11.

<sup>17</sup> *Id.*, at 11.

<sup>18</sup> We note that this document did not indicate the currency in which the Petitioner was paid.

for those working in the United States rather than the Philippines. A petitioner must establish that she is eligible for the requested benefit at the time of filing. *See* 8 C.F.R. § 103.2(b)(1). Without appropriate evidence of the average salary earned by administrative service managers in the Philippines, the Petitioner has not provided documentation sufficient to establish whether she has commanded a high salary in relation to others in her field. Accordingly, she has not demonstrated that she meets this criterion.

### III. CONCLUSION

The Petitioner has not demonstrated that the Director erred in dismissing her motions to reopen and reconsider, nor does the record establish her eligibility for the benefit sought. We will therefore dismiss the appeal for the above stated reasons, with each considered as an independent and alternate basis for the decision

**ORDER:** The appeal is dismissed.