



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

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

In Re: 26712901

Date: MAY 31, 2023

Appeal of Nebraska Service Center Decision

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

The Petitioner, an inventor of the [redacted] technology in the micro-irrigation field,¹ seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition, concluding that the record did not establish the Petitioner met the initial evidence requirements for the classification by establishing his receipt of a major, internationally recognized award or by meeting three of the ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3). The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter *de novo*. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

On appeal, the Petitioner presents a brief and documentation regarding the translation company responsible for the translation of documents in the record. As a preliminary matter, the Director did not consider several documents in the record since they were not accompanied by a full English language translation certified by the translator that the English language translation is complete and accurate, and that the translator is competent to translate from the foreign language into English pursuant to 8 C.F.R. § 103.2(b)(3). As the Petitioner notes on appeal, he submitted with the initial petition documents about the translator to include a diploma from the University of [redacted] awarding [redacted] a Master of Translation and Interpreting, and a certificate from the National Accreditation Authority for Translators and Interpreters awarded to [redacted] as a certified translator from Chinese to English. However, [redacted] did not indicate which documents he translated and did not certify each translation. On appeal, the Petitioner submits a document listing the translated

¹ The Petitioner indicated three other occupations in the record to include student, professor and chief executive officer. After the second request for evidence whereby the Director asked for clarification on his job occupation, the Petitioner stated he was an inventor.

evidence and indicated [redacted] performed the translating services. This information appears to differ from the translator mentioned previously. In addition, the documents on appeal were not signed by the translating company and the translations were not properly certified.

We adopt and affirm the Director's decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been "universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case). The Director thoroughly analyzed the Petitioner's evidence and arguments and provided him with a complete decision reaching the correct conclusion. On appeal, the Petitioner submits a brief referencing the same arguments and evidence previously submitted. On appeal, the Petitioner explains the technology behind the trace irrigation. Although the Petitioner quickly touches on a few issues discussed in the Director's decision, he does not provide sufficient evidence to overcome the Director's concerns.

ORDER: The appeal is dismissed.