



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

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

In Re: 34815814

Date: NOV. 6, 2024

Appeal of Texas Service Center Decision

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

The Petitioner 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 although the Petitioner satisfied at least three of the initial evidentiary criteria, as required, he did not show his sustained national or international acclaim and demonstrate he is among the small percentage at the very top of the field of endeavor. The matter is now before us on appeal.

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 sustain the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes immigrant visas available to individuals with 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, provided that the individual seeks to enter the United States to continue work in the area of extraordinary ability, and the individual'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 achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or 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) (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

A. Evidentiary Criteria

Because the Petitioner has not claimed or established he received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Director determined the Petitioner met five of these evidentiary criteria relating to awards at 8 C.F.R. § 204.5(h)(3)(i), published material at 8 C.F.R. § 204.5(h)(3)(iii), judging at 8 C.F.R. § 204.5(h)(3)(iv), original contributions at 8 C.F.R. § 204.5(h)(3)(v), and authorship of scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi).

B. Final Merits Determination

As the Director found the Petitioner satisfied at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), the next step is to evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim,¹ he is one of the small percentage at the very top of the field of endeavor, and his achievements have been recognized in the field through extensive documentation.² In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if his successes are sufficient to demonstrate that he has extraordinary ability in the field of endeavor.³ *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20. In this matter, we conclude the Petitioner has demonstrated his eligibility for this classification.

The record includes a media article from 2021 discussing the Petitioner's career in economics:

¹ *See 6 USCIS Policy Manual* F.2(A)(1), <https://www.uscis.gov/policymanual> (stating that such acclaim must be maintained and providing *Black's Law Dictionary's* definition of "sustain" is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

² In the final merits analysis, the Director's decision concluded the Petitioner did not show he garnered sustained national or international acclaim and his achievements have been recognized in the field of expertise, demonstrating he is one of that small percentage who has risen to the very top of the field.

³ *See 6 USCIS Policy Manual, supra*, at F.2(B)(2) (instructing that USCIS officers should consider the petition in its entirety to determine eligibility according to the standard – sustained national or international acclaim and the achievements have been recognized in the field of expertise, indicating that the person is one of that small percentage who has risen to the very top of the field of endeavor).

[The Petitioner] holds a Ph.D. in Economics from the [redacted]. He currently serves as the Deputy Director of the [redacted] General Manager of the [redacted] Chief [redacted] Researcher, and Secretary-General of the [redacted]. He has previously held positions as the Project Director of the Research Center for China's National Conditions at [redacted] as well as the Director of Macroeconomics and Research Departments at [redacted]. [The Petitioner] has been recognized with titles such as the [redacted] in 2013.

[The Petitioner] is also the President of the [redacted]. He serves as the Vice President of the [redacted] Council Member of the [redacted] and Committee Member of the Digital Economy Committee of the [redacted]. He has previously served as the Vice President and Research Institute Director of [redacted]. Currently, he concurrently holds positions as an Academic Member of the International Monetary Institute at [redacted] Chief Economist of the [redacted] and [redacted] as well as an Independent Director of listed companies such as [redacted].

In the decision denying the petition, the Director's final merits determination stated:

USCIS notes that much of the evidence in the record pertains to the Petitioner's career as an economist, which extends approximately 10-15 years prior to the filing of this petition. While the Petitioner has established by a preponderance of the evidence that [he] meets at least three of the antecedent evidentiary prongs, the evidence does not demonstrate sustained national or international acclaim. For all the criteria successfully met by the Petitioner the evidence provided appears to range for only a couple of years and does not show an extended date/period range. While this evidence establishes his national or international claim in the field at that time, the [Act] and relevant regulations require that an individual demonstrate sustained acclaim in order to qualify for an immigrant visa under this highly selective classification.

On appeal, the Petitioner argues that "[t]he Director, instead of considering the petition in its entirety, considered each criterion separately while disregarding certain submitted evidence and concluded that [the Petitioner] did not sustain national or international claim. The Director's conclusion is wrong both logically and factually."

The Form I-140 petition in this matter was filed in December 2023. In determining whether an individual has enjoyed "sustained" national or international acclaim, we evaluate if such acclaim has

been maintained.⁴ There is no definitive time frame on what constitutes sustained.⁵ The Director's decision indicated that the Petitioner's career as an economist extended "approximately 10-15 years prior to the filing of this petition," but the record shows that he began publishing his work in 2002 and has since authored more than 100 scholarly articles as well as several books up until 2022.⁶ The evidence of his achievements in their entirety demonstrates that his awards, media coverage, judging, original contributions, authorship of scholarly articles, presentations, and leading roles encompass a career spanning over two decades in the economics field.

We disagree with the Director's statement that "the evidence provided appears to range for only a couple of years and does not show an extended date/period range." In analyzing the evidence, the Director's decision erred in the final merits determination relating to the Petitioner's sustained acclaim by not evaluating "all the evidence together when considering the petition in its entirety."⁷ For example, the Director stated: "As far as evidence submitted by the Petitioner for a lesser nationally or internationally recognized prize or award for excellence, all the awards won by the Petitioner range for a period of five years 2013 the 2018. No evidence was provided of awards won after this period."⁸ Likewise, the Director's final merits analysis evaluated the Petitioner's published material, judging, original contributions, and scholarly articles and concluded that each of these types of evidence individually did not show his sustained acclaim.⁹ The Director's final merits determination, however, should have considered "all evidence in the totality."¹⁰

The totality of the evidence shows that the Petitioner has maintained his acclaim in the field over a long period of time. The documentation discussed above as well as additional corroborating evidence in the record sets the Petitioner apart from other economists through 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. The petition in its entirety demonstrates that the Petitioner possesses a level of expertise consistent with a finding that he is one of a small percentage at the very top of the field of endeavor and that he has sustained national acclaim in his field. *See* section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *Kazarian*, 596 F.3d at 1119-20. *See also Matter of Price*, 20 I&N Dec. 953, 956 (Assoc. Comm'r 1994).

⁴ *See* 6 USCIS Policy Manual F.2(A)(1), *supra*.

⁵ *Id.*

⁶ The Petitioner presented his Google Scholar profile which indicates that his scholarly work has received hundreds of citations.

⁷ *See* 6 USCIS Policy Manual, *supra*, at F.2(B).

⁸ The Director's decision noted (on page 3), however, that the Petitioner received an award from the [redacted] in September 2019 and the record includes evidence of this award. Accordingly, the Director's assertion that the Petitioner did not receive any awards after 2018 was in error.

⁹ With respect to the Petitioner's authorship of scholarly articles, the Director's decision stated that these articles were published "primarily between 2007 and 2009 with one additional article appearing in 2003." The Petitioner, however, presented additional scholarly articles and books as well as his Google Scholar profile showing that he authored numerous articles outside of those specific years. His Google Scholar profile lists his authorship of more than 100 scholarly articles from 2002 until 2022. Accordingly, the Director's assertion that the Petitioner's authorship of scholarly articles occurred primarily in 2003 and 2007-2009 was incorrect.

¹⁰ *See* 6 USCIS Policy Manual, *supra*, at F.2(B)(2).

III. CONCLUSION

The Petitioner has established that he meets at least three of the evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x). He has also demonstrated sustained national acclaim and that his achievements have been recognized through extensive documentation. Lastly, the Petitioner has shown that he intends to continue working in his area of expertise and that he will substantially benefit prospectively the United States. He therefore qualifies for classification as an individual of extraordinary ability.

ORDER: The appeal is sustained.