

Immigration and Naturalization Service  
California Service Center  
P. O. Box 10140  
Laguna Niguel, CA 92607-0140

**Re: New Submission for EBP-1 Extraordinary Ability category on behalf of Mr. O'Brien**

Dear Sir or Madam:

I am pleased to present the attached application I-140, by means of which Mr. Walter O'Brien seeks immigrant classification pursuant to the EBP-1 Extraordinary Ability category, whose definition and evidentiary requirements are set forth at 8 C.F.R. 204.5(h). Mr. O'Brien bases this application upon his extraordinary past and continuing contributions to the field of commercial software globalization, a major sub-category of the general field of software engineering.

### **I. Background of Applicant**

As a teenager in Ireland, Walter O'Brien was repeatedly recognized as a youth prodigy. He placed among the top programmers in the world in several international high-speed programming competitions, including a sixth-place finish in the 1993 Information Olympics, and first-place showings in the 1991 and 1992 Wisconsin International Computer Problem Solving Competition. His early work on Artificial Intelligence, performed before his 17<sup>th</sup> birthday, was recognized by an invitation to present his discoveries to the international Artificial Intelligence and Cognitive Sciences conference held in Ireland, as the youngest scientist ever invited to make a peer presentation.

Walter O'Brien took a Bachelor's Degree from the University of Sussex with a dual major in Computer Science and Artificial Intelligence. Time Magazine rated that university's program "Number 1 in all of Europe and Asia." He progressed swiftly to make a astonishing series of world-class contributions in software development, primarily in the field of globalization/localization software. These contributions are mentioned below, and are described in some detail among the attachments. Currently, Walter O'Brien is the Director of Global Release Engineering for GLOVIA INTERNATIONAL, a preeminent globalization firm which began as a joint venture between the Japanese and American industry giants, FUJITSU and McDONNELL INFORMATION SYSTEMS. The list of American international corporations that have directly benefitted from Walter's work for GLOVIA and his previous work for other companies is practically a FORTUNE 500 who's who.



## **II. Summary of Field of Software Globalization/Enterprise Resource Planning**

What is Enterprise Software Globalization all about? It is the process of preparing a product for adaptation for a particular language and country, defined as the "target country." This includes translation and other conversions, such as currency, date format, and must take into account local practices and culture, providing a product that is comfortable to use in the target country. The leading-edge American high-technology companies such as MICROSOFT and ORACLE typically derive over half of their overall revenues from overseas business, but they spend less than 1% of revenues on translation and related globalization/localization solutions. It is thus an almost uniquely efficient set of software technologies in terms of the ratio of expenditure to returns. Furthermore, globalization software does not benefit only the largest corporations. It also dramatically expands the markets available to small software and Information Technology startups, which for the moment are concentrated in this country. America will continue to dominate the international software and IT markets only if products are continually developed and enhanced to provide globalization/localization solutions.

## **III. Argument and Categories of Evidence Submitted**

The majority of the attachments will trace the career of Walter O'Brien in this cutting-edge field. We shall demonstrate beyond serious doubt the extraordinary array of contributions made by this software engineer, who has become a leading figure in the globalization business.

**Exhibit 4A is a letter of recommendation by Ms. Virginia Cha, who is herself an internationally acclaimed Information Technology pioneer and executive. The reviewing officer is directed at this time to Ms. Cha's letter, which describes in detail the basis for this petition in the solid accomplishments of the applicant, and which will serve as a valuable guide to the large number of exhibits which are attached to support the instant claim of extraordinary ability.**

In the balance of this letter, I shall not attempt to restate in detail the content of Ms. Cha's letter. Rather, I shall discuss the various statutory factors which are specified as considerations in the EBP-1 Extraordinary Ability category, and direct the reviewing officer to some of the evidentiary submissions that pertain to each of the relevant categories.

Pursuant to 8CFR 204.5(h)(3), an alien seeking classification in the "extraordinary ability" category must include evidence of a one-time achievement (a major, internationally recognized award), or at least three from of a list of ten types of achievements, at the end of which is a statement that other forms of evidence may also be considered. The career of Walter O'Brien, as evidenced in the instant petition and its attachments, includes evidence in the following categories:



1. Lesser nationally or internationally recognized prizes or awards for "excellence in the field of endeavor".
  - First-place member of the Irish national team at the Wisconsin International Computer Problem Solving Competition.
  - Sixth-place finish in the world at the 1993 Information Olympics.
2. Participation on panel or individually as a judge of the work of others in the field
  - The attachments show the invitee membership of Walter O'Brien to the technical advisory boards of major companies, involving critical evaluation of various technologies, review of technical literature, etc. As stated by Ms. Cha at Exhibit 4A,  
**"In the software development industry, the gold standard of recognition for individual accomplishment and quality is invitee membership on Technology Advisory Boards. Only the very best software engineers and business planning professionals receive such invitations....Walter O'Brien's background includes either current or previous service on the Technology Boards of such companies as StarGlobe...Toin Corporation, and Keltech."**
3. Original scientific, scholarly...or business related contributions of major significance
  - Officer is referred once again to Ms. Cha's letter and supporting exhibits, which discuss such major contributions as WinLocX, the first globalization software written to parse any natural language out of any programming language from any platform, and translate for use into any target language. This revolutionary project and its progeny are a key element in the capacity of software companies to expand internationally into markets previously unavailable due to language barriers;
  - HYPERTOOL, developed for ORACLE CORPORATION'S Worldwide Translation Group in Dublin;
  - Chief architect of the GLOBAL XCHANGE (UTOPIA) project, the first and leading enterprise-level localization system for multinational companies, which has been used by ORACLE, HEWLITT PACKARD, SUNMICROSYSTEMS, and others of similar stature;
  - Leading role as Director of Global Release Engineering for GLOVIA, benefitting such clients as CATERPILLAR, DELL, RAYTHEON, XEROX, HONEYWELL, HP, SILICON GRAPHICS, ORACLE, SUN MICRO, DISNEY and MOTOROLA.
4. ...alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.
  - All service on Technical Advisory Boards
  - Role as chief architect and Industry Evangelist for the UTOPIA product while at



UNISCAPE

- Various groundbreaking work for ORACLE
- Current role as Director of Global Release Engineering for GLOVIA

5. ...high salary or other high remuneration for services

- Current salary
- Current stock options
- Various other compensation packages for consultancy work and/or service on Technical Advisory Boards (by nature, part-time and limited duration work at high level of remuneration)

6. Display ... at artistic exhibitions or showcases

Although the applicant is not applying as an artist, it is common to argue this element by analogy. The legitimacy of such an approach is established by the "catch-all" provision of the prescribed forms of evidence, which permits the consideration of other forms of evidence. In this category, Walter's presentation on globalization at the 1998 ORACLE show and his participation as a panelist at the 1999 Star+Globe globalization seminar are displays at high-technology industry seminars and meeting, and are thus analogous to "exhibitions or showcases", albeit in a field other than the arts.

The attached exhibits constitute only a representative sampling of the information available on this enormously prolific engineer in the globalization software field. Large amounts of additional documentation are available if required.

An important point to note is that the "extraordinary ability" category, by releasing the alien from the requirement of attachment to a given employer-petitioner, seeks to permit him to explore his talents, spreading their benefit as widely as possible. This consideration is ideal for Walter O'Brien, who has invented or re-invented several software engineering technologies, who, at any moment in his career, is offering high-level consultation to CEOs of several established companies and several young "dot-coms"; who is always working on several projects at once for improved globalization/localization solutions with universal implications. Ms. Cha's glowing recommendation mentions the amazing range of Walter's talents and interests. She notes, for example, his current work as a volunteer with BestTeachersAndSchools.com, a project for "an Internet-based community for the independent gathering, analysis, and dissemination of parents' and students' evaluation of specific teachers and schools", and concludes that he must be permitted to work freely on multiple projects:

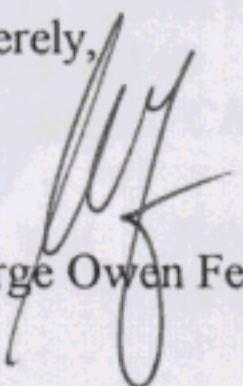
"This level of freedom is precisely what an individual of this man's extraordinary gifts requires in order to make his full contribution to society."

With the highest level of enthusiasm, I respectfully request your attentive consideration of the instant petition, this argument, the letter of Ms. Cha, and the other exhibits. By any reasonable standard of judgment, Mr. Walter O'Brien is well-qualified for the immigration benefit he seeks, which will enable him to continue to make world-class contributions to the efforts of American companies to expand their revenues through international sales in the new world high-technology economy.

This letter is immediately followed by a list of attachments for your convenience in reviewing the file.

Thank you very much for your kind attention.

Sincerely,



George Owen Feldman, Esq.