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U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



File: WAC-99-161-50956 Office: California Service Center Date: **AUG - 5 2002**

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

Petition: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(1)(A)

IN BEHALF OF PETITIONER:
[Redacted]

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(1)(A), as an alien of extraordinary ability. The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

Section 203(b) of the Act states, in pertinent part, that:

(1) Priority Workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):

(A) Aliens with Extraordinary Ability. -- An alien is described in this subparagraph if

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(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 to the United States will substantially benefit prospectively the United States.

As used in this section, the term 'extraordinary ability' means a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor. 8 C.F.R. 204.5(h)(2). The specific requirements for supporting documents to establish that an alien has sustained national or international acclaim and recognition in his or her field of expertise are set forth in the Service regulation at 8 C.F.R. 204.5(h)(3). The relevant criteria will be addressed below. It should be reiterated, however, that the petitioner must show that he has sustained national or international acclaim at the very top level.

This petition seeks to classify the petitioner as an alien with extraordinary ability as a social worker. The regulation at 8 C.F.R. 204.5(h)(3) indicates that an alien can establish sustained national or international acclaim through evidence of a one-time achievement (that is, a major, international recognized award). Barring the alien's receipt of such an award, the regulation outlines ten criteria, at least three of which must be satisfied for an alien to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability. The petitioner has submitted evidence which, he claims, meets the following criteria.

Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

In his decision, the director listed the petitioner's awards but failed to conclude whether or not these awards could meet this criterion. On appeal, counsel once again lists the petitioner's awards, focusing on an award issued by Pfizer Pharmaceuticals.

The petitioner submitted evidence of the following awards: a 1998 certificate of recognition from the International Association of Social Work in Melbourne, Australia; a 1998 memorandum of "special recognition" from the Department of Children and Family Services in Los Angeles County; a 1997 certificate of recognition from the Department of Children and Family Services in Los Angeles County; a 1994 certificate of recognition from the Golden Key National Honor Society, California Chapter, for academic excellence; evidence of the petitioner's completion of mandatory training courses; confirmation that the petitioner was on the Dean's list in the 1990/1991 academic year; and evidence that he obtained a merit scholarship for all semesters while studying for his Master's degree.

Academic study is not a field of endeavor, but training for a future field of endeavor. As such, awards for academic work, scholarships and fellowships cannot be considered awards in a field of endeavor. Moreover, only students compete for such awards. As the petitioner did not compete with national or international experienced experts in the field, the awards cannot be considered evidence of the petitioner's national or international acclaim.

Certificates verifying the completion of mandatory training cannot be considered nationally recognized awards or prizes. Such certificates do not elevate the petitioner above his colleagues nationally or even locally. The fact that the petitioner completed 45.15 hours of training when the mandatory requirement was only 40 hours may be indicative of the petitioner's dedication to training, but does not reflect national or international acclaim.

The certificates of appreciation from the petitioner's employer, the Department of Children and Family Services in Los Angeles, cannot be considered nationally recognized awards. The petitioner submitted no documentation regarding the significance of the award from the International Association of Social Work.

In response to the director's request for additional documentation, the petitioner submitted evidence that Pfizer Pharmaceutical Research Division awarded the petitioner the annual National Outstanding Professional Achievement Award for 1999. The National Child Welfare League, Washington, D.C, nominated the petitioner. Prior winners have come from the fields of public health, clinical psychology, pharmacy, and public law and welfare and were all nominated by prominent national organizations, such as the American Medical Association. The guidelines for the awards are as follows:

1. Nomination of prospective recipient by an association/organization of national critical acclaim as judged by competent practitioners in the field of specialization.
2. Nomination must be based on the prospective recipient's work of national significance and deemed as original or an improvement or transformation in the existing body of knowledge
3. The achievements of the nominee must be recognized as substantial by peers in the field of specialization
4. The professional achievement of the nominee must correlate with the philosophy, commitment and mission statement of Pfizer Pharmaceuticals to provide quality service and superior medical treatment to millions of patients around the world
5. The nominee must have publications in major professional journals or have made critical presentations at the national level
6. The nominee's field of employment must be firmly allied to the field of specialization that s(he) is being nominated for.

This award is clearly a prestigious national award in which the petitioner not only competed with others in his field of social work, but also with others involved in public health. The check for \$2,500 issued to the petitioner for this prize, however, was issued September 3, 1999, five months after the petitioner filed the petition. As such, this award cannot be considered evidence that the petitioner met this criterion at the time of filing. See Matter of Katigbak, 14 I&N Dec. 45, 49 (Comm. 1971). Nevertheless, the award was issued shortly after the petition was filed and is in recognition of work performed prior to the filing. As such, we will consider this award as we evaluate the evidence for the remaining criteria discussed below.

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.

Once again, the director listed the petitioner's memberships but did not directly discuss whether or not these memberships were sufficient to meet this criterion. On appeal, counsel lists the petitioner's memberships, focusing on the petitioner's membership in the International Society of Social Work and Child Welfare.

Initially, the petitioner claimed to be a member of the American Psychological Association (APA)(including five divisions of this association), the National Association of Social Workers (NASW), the California Action Alliance for Children, and the National Youth Care Network. The petitioner submitted letters responding to his expressed interest in several divisions of the American Psychological Association. The petitioner submitted a letter addressed to "dear colleague" affirming membership in Division 30, Psychological Hypnosis, of the American Psychological Association. None of these documents evidence the petitioner's membership in the APA or its divisions. In response to the director's request for additional documentation, the petitioner submitted a letter from the APA confirming that the petitioner became a general member in July

1998 and an associate member in January 1999. The requirements for associate membership are a master's degree in psychology at an accredited school, a grade point average of 3.5 or above, five years of employment experience, and two letters of recommendation. None of these requirements are outstanding achievements.

Initially, the petitioner did not submit any evidence regarding his membership in NASW. In response to the director's request for additional documentation, the petitioner submitted his membership identification card and a letter confirming his membership since April 1998. The letter indicates that the requirements for NASW membership is similar to that of the APA with the exception that three letters of recommendation are required. As stated above, these are not outstanding achievements. The fact that NASW has 160,000 members worldwide reflects that it is not exclusive.

The petitioner also submitted a copy of *Children's Advocate* published by the Action Alliance for Children. The photocopy includes a handwritten label with the petitioner's name and address. This document is insufficient evidence of the petitioner's membership in this organization. Moreover, the record does not include the membership requirements for this organization. As it appears to be a California based group, it does not appear that members are judged by recognized national or international experts. Finally, the petitioner submitted a letter from the National Youth in Care Network expressing appreciation for his efforts in organizing a 1998 workshop in Los Angeles and inviting him to give a presentation at another conference that year. This letter makes no reference to membership.

The petitioner also claimed to be a member of the Child Welfare League of America and the National Association of Homes and Services for Children "through the auspices of my employer since these organizations are unable to grant individual memberships by virtue of their legislation."

Working for a local government agency that is a member of an association which does not permit individual members is not evidence which can meet the plain language requirements of this criterion.

Subsequent to filing the petition, the petitioner submitted a letter from the Board of Members of the National Association of Homes and Services for Children verifying the petitioner's membership with that organization. The member directory states:

Goal: To recruit institutions and individuals for membership in the association who have:

- Made consistent exceptional contributions to the field of social work
- Made a significant difference in the lives of needy children and to
- Provide services to children through liaison with federal, state, county and city social work and child welfare organizations.

All our current members are by invitation only and are from diverse areas of the country. They represent the culmination of professional excellence and social commitment in the field of Social Work.

The petitioner is one of eight members listed. The Board of Directors, however, is made up of 25 members. It would be unusual to have a national organization with more board members than general members. The petitioner's membership letter is dated September 18, 2000. While the record contains correspondence addressed to the petitioner from this organization prior to this date, the petitioner has not established that he was a member at the time of filing.¹

In response to the director's request for additional documentation, the petitioner submitted a letter from the International Society of Social Work and Child Welfare based in London. The letter confirms that the petitioner is one of 65 affiliate members of this society. Membership is by invitation only and the requirements are listed as follows:

- Masters degree in Clinical Psychology or Social Work from an accredited institution of higher learning
- At least 4 letters of reference from instructors who directly supervised the applicant during the course of his/her study and can testify to his/her inclusion in the top 2% of the class
- At least 5 years of qualifying experience in the field whereby qualifying experience is defined as "*consistent paid employment in the fields of Social Work, Social Welfare, Child Welfare or Clinical Psychology in the private or public sector*"
- At least 2 letters of reference from recognized experts in the field testifying to the professional excellence of the applicant
- Evidence of employment at an agency or company of national or international significance (mentioned in the newspapers, articles, journals, etc.)
- Verification of membership in at least 2 other organizations of national or international repute
- Relevant publication(s) in journals or periodicals of national or international repute

The letter, however, is dated September 14, 2000. It does not indicate when the petitioner was invited as an affiliate member. As such, the petitioner has not demonstrated that he was an affiliate member of this society at the time of filing. Moreover, although membership may be by invitation only, a degree in one's field, high class rank, five years of experience, letters of reference, employment for a significant agency, membership in other associations, and publications, while notable, are not outstanding achievements.

¹ It is noted that this organization does not appear to exist anymore. The website listed on the letter is not in use and the domain is available for purchase. The phone number and address are now the phone number and address of the Alliance for Children and Families, Office of Policy.

In light of the above, the petitioner does not meet this criterion.

Published materials 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.

The director concluded that the petitioner had not submitted any evidence relating to this criteria. On appeal, counsel asserts that the director ignored the two articles submitted by the petitioner which cite his own articles. In general, articles which cite the petitioner's work are primarily about the author's own work, not the petitioner. As such, they cannot be considered published material about the petitioner. The article by Michele Bromsky, however, spends an entire five-paragraph section reviewing the petitioner's 1999 study. This article, however, was published in 2000, after the petition was filed. As such, even if we were to consider this article published material about the petitioner, which is questionable, it cannot constitute published material about the petitioner at the time of filing. In light of the above, we concur with the director that the record does not contain evidence which could meet 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 specification for which classification is sought.

The director once again simply listed the evidence submitted for this criterion without evaluating its significance. On appeal, counsel simply lists what evidence was submitted to meet this criterion.

The record contains a letter from Jonathan Miles, Director of Children First Community Services in Houston, Texas, expressing appreciation for the petitioner's visit and "for being an integral part of the assessment panel for the analysis of the work of our agency."

Brenda Fawcett, Deputy Director for St. Jude Children's Research Hospital in Memphis, Tennessee; Richard Balvin, Professor Emeritus at the University of Melbourne (and the petitioner's former professor); Dale Brigham, an administrator at the Children's Specialized Hospital in Mountainside, New Jersey; and Jennifer Castleman, member of the Governing Board for the Action Alliance for Children, New York Office, all assert that the petitioner has reviewed and critiqued manuscripts submitted for publication.

In response to the director's request for additional documentation, the petitioner submitted a letter from ██████████ Director of the Clinical Services Division of Seals Eastern, Inc. He indicates that a professor at Ohio State University invited the petitioner to serve on a review panel for a manuscript in June 1999, one month after the petition was filed. The petitioner also submitted a letter from Janice Langerfield, Senior Vice Editor for the *Journal of Clinical Child Psychology* expressing appreciation for the petitioner's review of an article to be published in that publication. The petitioner further submitted a letter dated August 11, 1999 written as a follow up to a conversation on July 5, 1999 and expressing appreciation for the petitioner's acceptance of the invitation to review a report and enclosing the report. The petitioner also submitted a June 25, 1999 letter thanking the petitioner "for your recent email," and enclosing two articles for review to be

published in the *Journal of Child Abuse and Neglect*. Finally, the petitioner submitted a letter dated April 5, 2000 requesting his commentary on an amendment to core curriculum segments proposed in Alberta, Canada. All of this documentation reflects review work performed after the petition was filed. As such, the petitioner has not established that he met this criterion as of the date of filing.

Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.

The director reviewed the letters submitted in support of the petition and concluded that they reflected that the petitioner was respected among his colleagues but that they did not establish international acclaim. On appeal, counsel simply lists the letters that relate to this criterion.

Initially, the petitioner submitted several references from his colleagues, professors, and supervisors. Specifically, the petitioner submitted four reference letters from his colleagues at the Department of Children and Family Services, Los Angeles County, one letter from a social worker at the Alpha Treatment Center with which the petitioner's department contracts, two letters from colleagues at the Pacific Lodge Youth Services where the petitioner also works as a counselor, two letters from staff at the California State University, Los Angeles (CSU), where the petitioner took a course and served as a tutor, a letter from one of his professors at the College of Staten Island, and a letter from one of his professors at Indiana State University.

██████████ the petitioner's coworker and sometimes supervisor at the Department of Children and Family Services, asserts that the petitioner is an "enthusiastic learner and dedicated professional" who was "innovative, analytical, pragmatic, and objectively reliable" in his reports to the Juvenile Dependency Court. ██████████ asserts that the petitioner was a "dependable resource for other workers who needed guidance and professional advice from him." She continues that the petitioner's "reports are now an essential part of the confidential case record and are accessible to other staff managing the particular cases." ██████████ then discusses the petitioner's duties, praising the way he fulfilled those duties by "making the best use of limited resources, skillfully coordinating services, promoting collaborative work and designing treatment strategies to ascertain that children were kept in a safe, secure and nurturing environment." She concludes that the petitioner is "of dire significance and benefit to this agency in particular and the community in general." ██████████ provides similar information. ██████████ and ██████████ fail to identify any specific contribution of major significance that the petitioner has made to the field of social work as a whole. Simply performing one's job well is not evidence of national acclaim.

A supervisor at the department, Alan Packard, provides a lengthy letter detailing the petitioner's challenges on the job and his ability to accomplish his duties and gain the trust of the children whom he oversees. Mr. Packard concludes that the petitioner is filling a "desperate need" at the department. Another supervisor, Jackie Holly, notes that the petitioner deals with children who suffer from impulse control disorder, AIDS, HIV, cerebral palsy, mild to severe mental retardation, fetal alcohol syndrome, drug exposure, spinal muscular atrophy, prenatal, birth, or postnatal damage, cognitive and attention deficits, perceptual and motor problems, developmental and cognitive abnormalities, physical function disorders, autism and sickle cell disease. Ms. Holly

further notes that the petitioner has “formed a workable relationship with other professional agencies.” The field of social work generally requires gaining the trust of the children whom one oversees in difficult circumstances involving drugs, disabilities and abuse. It is also necessary that a competent social worker be able to work with other agencies. That the petitioner is able to deal with these challenges reflects that he is a successful social worker, but is not indicative of national acclaim. [REDACTED] does state:

During the course of his employment, he has worked closely with several public and private national agencies. He has been instrumental in overseeing and judging the work of such agencies. He is a member of several professional organizations of national and international acclaim in the field and has received frequent recognition for his extraordinary achievements.

As discussed above, the record does not support these assertions to the extent that they reflect national acclaim.

[REDACTED] a foster family agency social worker at Alpha Treatment Centers, discusses the emotional difficulties faced by families that are forced to separate. She praises the petitioner’s abilities to build relationships between the children, foster parents, biological parents and professionals involved. She asserts that the petitioner “established himself as a superior liaison between the legal and social domains of the treatment plan.” She concludes that the petitioner is an “invaluable asset for the Department of Children and Family Services and to the destitute children of this county.” Once again, [REDACTED] fails to identify any specific contribution to the field as a whole or explain how the petitioner has sustained national or international acclaim.

[REDACTED] and [REDACTED] at Pacific Lodge Youth Services (the Lodge) discuss the petitioner’s work as a counselor, and subsequently as a senior counselor at the Lodge. They provide general praise of his ability to work with adolescents. They provide no examples of major contributions to the field and their letters do not indicate that the petitioner has sustained national or international acclaim.

[REDACTED] learning disability specialist at CSU asserts that the petitioner was an “excellent tutor and displayed many superior qualities while working in this capacity.” [REDACTED] continues that the petitioner was sensitive, insightful, creative, resourceful, well liked and respected. He concludes that the petitioner has “strong organizational skills, which lead to excellent efficiency and productivity in all that he does.” [REDACTED] a professor at CSU, asserts that the petitioner was an exemplary student, earning an “A” in [REDACTED] class. These letters reflect well on the petitioner’s tutoring abilities and his research and study skills, but do not reflect that the petitioner has made major contributions to his field or that he has sustained national acclaim.

Finally, [REDACTED] an associate professor at [REDACTED], and [REDACTED], an associate dean at Indiana State University, provide general praise of the petitioner’s academic work at those institutions. [REDACTED] states:

[The petitioner's] unprecedented research project under my direct supervision comprised of examining the effects of modernization upon immigrants of several age groups, economic classes and genders and relating those variables to the result of living in large cities such as New York. He individually conducted this empirical study that involved the multivariate analysis of such variables and projected their impact using principles of covariation. He further employed the research principle of linear regression to his study variables and synthesized his results in text, tabular and graphic formats. He obtained his data by using a variety of methods such as sampling, field research, interviewing, observational studies, archival studies and secondary data analysis.

██████████ does not provide examples of how this study has proven influential in the field nationally or internationally.

Subsequent to filing the petition, the petitioner submitted a letter from ██████████ Deputy Director at St. Jude Children's Research Hospital in Memphis Tennessee. Dr. ██████████ indicates that the petitioner collaborated with her on a grant proposal. She asserts that he has achieved significant national and international recognition through his employment, personal honor, professional excellence, publications, review and critique of peer literature, and presentations at national conferences. She does not identify any specific contributions.

The petitioner also submitted letters from ██████████ the petitioner's former professor now a professor emeritus at the University of Melbourne, ██████████ an administrator for the Children's Specialized Hospital in Mountainside, New Jersey; and ██████████ a member of the Governing Board for the Action Alliance for Children, New York Office. While these letters discuss the petitioner's awards, presentations, articles, and role with several national associations, they do not identify any specific contributions of major significance that the petitioner has made to the field of social work as a whole.

The petitioner also provided several redacted confidential case studies. The Service is not in a position to evaluate these studies. It is the petitioner's burden to demonstrate national or international acclaim. The Service does not adjudicate petitions based on its own subjective opinion of the petitioner's work.

The above letters are all from the petitioner's collaborators and immediate colleagues at his department, alma mater, and his associations. While such letters are important in providing details about the petitioner's projects, they cannot by themselves establish the petitioner's national or international acclaim. Moreover, many of the accomplishments lauded in the letters submitted after the date of filing occurred after the petitioner filed the petition. Nevertheless, as stated above, shortly after the petition was filed, the petitioner received a distinguished award from Pfizer Pharmaceuticals which cites the petitioner's contributions to his field. While the record is not entirely clear as to what contribution led to this award as the petitioner's articles had yet to be published, we cannot simply discount that a prestigious national organization

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nominated the petitioner for this award. Even if we conclude that the petitioner minimally meets this criterion, however, it is only one criterion.

Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.

The director listed the journals in which the petitioner's articles have appeared but did not discuss specifically whether these articles met this criterion. On appeal, counsel asserts that the director concluded that no such evidence was submitted. Counsel misread the director's decision. While the director asserts that no published materials about the petitioner were submitted, the director acknowledged the articles authored by the petitioner.

The petitioner submitted evidence that he has authored four articles published in professional journals and three articles published in social work newspapers. As stated above, the petitioner submitted evidence that two articles by independent researchers have cited his work. He also submitted letters from practitioners in the field commenting on the importance of his articles.

All of the articles in professional journals and one of the newspaper articles were published November 1999 or later. As such, they cannot be considered evidence that the petitioner met this criterion at the time of filing. One of the two remaining newspaper articles was published in the *Children's Advocate* which has a distribution limited to California. As such, the petitioner has not demonstrated how publication in this local publication is indicative of national acclaim. Finally, the remaining newspaper article was published in *NASW News*, published and distributed by NASW nationally. None of the letters remarking on the importance of the petitioner's articles refer to this final article. Without evidence that this single article was influential, it cannot serve to meet this criterion. Moreover, a review of the article reveals that it is a news story reporting on the increasing need to monitor clients' medication levels and not a scholarly article providing new data or analyses.

Evidence of the display of the alien's work in the field at artistic exhibitions or showcases.

In response to the director's request for additional documentation, the petitioner asserted that the three letters which praise his articles are evidence of "national and international exhibition" of his work in the field. This criterion specifically relates to artists and is not relevant to the petitioner's field. The petitioner's articles have already been considered above under the previous criterion to which they relate.

Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.

Subsequent to filing the petition, the petitioner submitted a letter from the Board of Directors of the Action Alliance for Children inviting the petitioner to serve as an honorary Governing Board Member. The petitioner would be the only member from California and would be responsible for overseeing the operation of the alliance in Florida, New York, Texas and Illinois. This letter,

however, is dated November 18, 1999, after the petition was filed. As such, it is not evidence of the petitioner's eligibility at the time of filing.

Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.

Subsequent to filing the petition, the petitioner submitted his W-2 wage and tax statements reflecting wages of \$42,173 for 1998 and \$49,663 in 1999. He also submitted classified advertisements for social workers reflecting salaries up to \$35,000. The director noted that the petitioner had more experience than the 1-3 years required for the advertised positions and concluded that the petitioner had not met this criterion. On appeal, counsel does not address the director's concerns, but merely asserts that the petitioner submitted sufficient evidence for this criterion. We concur with the director for the reasons stated in her decision.

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the alien has achieved sustained national or international acclaim and is one of the small percentage who has risen to the very top of the field of endeavor.

Review of the record, however, does not establish that, at the time of filing, the petitioner had distinguished himself as a social worker to such an extent that he may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of his field. The evidence indicates that the petitioner shows talent as a social worker, but is not persuasive that the petitioner's achievements set him significantly above almost all others in his field at the time of filing. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A) of the Act and the petition may not be approved.

The burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. Here, the petitioner has not sustained that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.