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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

[Redacted]

File: [Redacted] Office: Nebraska Service Center

Date: 30 JAN 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 Wiemann*  
Robert Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Nebraska 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 in the sciences. 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 --

(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 the beneficiary has sustained national or international acclaim at the very top level.

This petition, filed on September 10, 1999, seeks to classify the petitioner as an alien with extraordinary ability as a researcher of wind erosion. At the time he filed the petition, the petitioner was pursuing a master's degree in agronomy and serving as a research assistant under [REDACTED] Leader of the Wind Erosion Unit and Adjunct [REDACTED]

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 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.*

The petitioner claims to have received the following prizes and awards:

1. Prize of Achievement in the Advancement of Sciences and Technology, 1991, third level, from the Chinese Academy of Sciences, for the project "Comprehensive Control of Desertification Land in Naiman, Inner Mongolia."
2. Prize of Achievement in the Advancement of Sciences and Technology, 1997, second level, from the Chinese Academy of Sciences, for the project "Strategy, Model, and Techniques for Integrated Control of Eco-Environment in Horqin Sandy Land."
3. Certification of the State for Achievement in Sciences and Technologies, 1997, designating the petitioner as the second finisher, from the State Sciences and Technologies Commission for the project involving "The Cultivation Technique of Film-Bottomed Paddy in Sandy Land."
4. Certification of Major Achievement of Science and Technology, October 1996, awarded to the Lanzhou Desert Research Institute of the Chinese Academy of Science by the National Planning Commission, Department of Sciences and Technology, and the Chinese Department of the Treasury, for the project "Strategy, Model, and Techniques for Integrated Control of Eco-Environment in Horqin Sandy Land."
5. Award of Global 500 Honor Roll of the United Nations Environment Program, June 1988.
6. ESRI Certificates of Completion of "Introduction of Spatial Hydrology" and "The Basics of ArcView," presented to Xuewen Huang, 1998.
7. Certificate recognizing the petitioner for successful completion of Wind Erosion Workshop, Kansas State University Division of Continuing Education, January 4-8, 1999.

The two prizes for "Advancement of Science and Technology" for 1991 and 1997 were given by the petitioner's employer, the [REDACTED] of Desert Research, Chinese Academy of Sciences. Information provided by the witness letters and Lanzhou Institute of Desert Research's

web site supports the conclusion that the Lanzhou Institute is a sub-agency of the Chinese Academy of Sciences. It should be noted that the petitioner worked for the Lanzhou Institute from 1985 to 1995. Awards given by one's employer fail to demonstrate receipt of a nationally recognized prize or award. Further, the award from 1991 indicates "third level" while the award from 1997 indicates "second level." Evidence has not been provided to establish the significance of these levels or what would constitute a "first level" award.

The second place Certification of the State for Achievement in Sciences and Technologies, 1997, is not supported by evidence of the criteria that must be met in order to be a recipient, the total number of annual recipients of the award, or information regarding its national significance in China. Thus, the petitioner has not shown this award to represent the pinnacle of achievement among Chinese researchers.

The Certification of Major Achievement of Science and Technology, October 1996, was awarded to the Lanzhou Desert Research Institute. The petitioner's name does not appear on this alleged award. The plain wording of the regulation requires the "alien's receipt" of a "nationally recognized prize or award for excellence in one's field of endeavor." An award given to the petitioner's research institution, which employs over two hundred researchers, fails to satisfy this criterion. Further, as the petitioner had been studying in the United States since July of 1995, his contribution to the institution's receipt of this award remains unclear.

Counsel contends that the petitioner "was part of a United Nations Global Award for his achievements." Counsel states:

Most notably, [the petitioner] played a key role in the research team which earned the "Saving the Drylands Award" in 1998. This international award from the United Nations Environment Program (UNEP) recognized [the petitioner] and his colleagues' extraordinary achievement in sustainable land-use practices, in both biophysical and social-economic aspects. This award has been given annually since 1995 to only about ten projects throughout the world for outstanding achievement in desertification control.

The petitioner's resume states that his research team was granted this award by the United Nations Environment Program in 1998. A complete review of the record, including counsel's evidence list of prizes and awards, reveals no evidence of an award in 1998 for "Saving the Drylands." However, the document list from counsel does include Exhibit EE: "Award of Global 500 Honor Roll of the United Nations Environment Program, June 19\_\_." Exhibit EE is a certificate stating that the "Institute of Desert Research has been elected to the Global 500 Honor Roll of the United Nations Environment Program in recognition of outstanding practical achievements in the protection and improvement of the environment." The bottom of the certificate reflects that the award was given on "World Environment Day, June of 19\_\_." The "19\_\_" is illegible, and it appears someone has hand-written "1988" immediately below the date for purposes of clarity. Assuming "1988" is the correct date would mean that the petitioner's resume and witness letters are incorrect. Further, the statements from counsel about the award being "given annually since 1995 to only about ten projects throughout the world" would be illogical.

Therefore, we will assume that June of 1998 is the correct date the award was presented to "the Institute of Desert Research." The plain wording of the regulation requires the award to be presented to the "the alien" rather than to an institute or organization. An award shared with two hundred former co-workers and at least five hundred other recipients, as suggested by "Global 500 Honor Roll" title, would fail to demonstrate a level of expertise indicating achievement at the very top of one's field of endeavor. At the time the award was presented, the petitioner had been studying in the United States since July of 1995. The record reflects that from July of 1995 through June of 1998, the petitioner was pursuing studies at Cornell University and Kansas State University. He had left the "Institute of Dessert Research" for the United States some three years earlier. Given this three-year absence, it remains unclear what role, if any, the petitioner played in the institution's receipt of this lesser international award.

The remaining three "certificates of completion" do not constitute national awards in the petitioner's field of endeavor. The petitioner simply completed two education modules and a three-hour Wind Erosion Workshop at Kansas State University. These certificates, which are provided to every student who successfully completes these courses, relate to academic accomplishment. University study is not a field of endeavor, but, rather, training for future employment in a field of endeavor. The awards presented by the petitioner have failed to satisfy 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.*

The petitioner has provided a 1999 membership card from the "American Society of Agronomy, Soil Science Society of America." The petitioner's status in the society, as listed on his card, is that of a "student." The petitioner also provides evidence of a form letter from the Soil and Water Conservation Society, dated December 1, 1997, welcoming him "as a student member." The evidence submitted fails to demonstrate that these organizations, which are open to students, constitute associations in the field of endeavor requiring outstanding achievements of their members. The plain wording of the regulation requires "membership in associations in the field" and therefore "student" memberships cannot satisfy this criterion. It appears that gaining membership into these organizations requires only the payment of a nominal fee. Student participation clearly demonstrates that membership in these societies is not limited to those with outstanding achievements in their field. The petitioner has failed to provide evidence demonstrating that these societies require members to be sponsored, elected, or meet certain criteria. Further, there is no evidence indicating that the sponsors or electors of these organizations are nationally or internationally recognized experts in their field.

*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.*

Counsel states that the petitioner "edited several manuals of practical techniques for farmers, and taught and advised farmers on their problems." These assignments were related to the practical

training of farmers and do not equate to judging the work of other scientific researchers in the petitioner's field of agronomy. It is further noted that these assignments do not carry sufficient weight to reflect achievement at the top of one's field of specification. Counsel also states that the petitioner "was elected as a committee member of soil quality assessment in the Department of Agronomy at Kansas State University and the Wind Erosion Research Unit." While this committee appears to judge "soil quality," there is no evidence of the petitioner's participation on this committee as a judge of the work of other scientific researchers. Counsel adds that "the Wind Erosion Symposium Committee requested [the petitioner's] services as the reviewer of two conference papers for its conference proceedings in 1997." The only evidence to support this claim is a letter from Amare Retta, Assistant Professor at Kansas State University, stating the above. This brief assertion from a fellow research collaborator at the petitioner's university carries minimal evidentiary value and is insufficient to satisfy this criterion for reasons to be discussed below.

On appeal, counsel states that the petitioner "has presented his work at several national and international conferences in the field of agronomy." Counsel provides a list of the conferences where the petitioner gave presentations. Giving presentations is not indicative of serving on a panel as the judge of others' work. Counsel also states that the petitioner "has been requested by the Global Farm to review a manuscript for the refereed proceedings of the 10<sup>th</sup> ISCO Conference." The petitioner submits a letter from Diane Scott, Chair of ISCO'99 Publications, dated December 6, 1999, requesting the review of a single manuscript. It should be noted that this request occurred three months after the filing of the petition. A petitioner must establish eligibility at the time of filing. See Matter of Katigbak, 14 I&N Dec. 45, 49 (Comm. 1971).

This criterion requires "evidence of the alien's participation" as a judge of the works of others. While the petitioner has submitted some limited evidence reflecting that he was "asked to review" three manuscripts, there is no evidence to demonstrate that he actually completed the reviews. Simply being "asked to review" a manuscript is not demonstrative of actual participation as a judge of the work of others in one's field. Nothing has been submitted from ISCO'99 Publications or the Wind Erosion Symposium Committee to acknowledge that the petitioner actually completed the reviews. Further, the record does not indicate how many other individuals were selected to perform the evaluations nor the criteria used to select the reviewers. The petitioner has not submitted evidence under this criterion to set himself apart from other colleagues in the field. Thus, there is nothing to demonstrate that the petitioner has sustained national or international acclaim through allegedly being asked to review only two manuscripts prior to the filing of the petition.

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

In support of the petitioner's application for graduate study at Kansas State University,

[The petitioner] worked with me as a visiting scholar in my laboratory for nine months starting in 1995. He has a strong interest in soil erosion and conservation and was trained in agronomy at the Northwestern Agricultural University in China.

Jointly we worked on three scientific papers. Two of the papers dealt with the global food supply problem and world population growth. These two papers included a great deal of data from China and, thus, [the petitioner] was most helpful to the development of these scientific papers. One of these papers has been accepted for publication as a chapter in a book on environmental and resource management. The other paper has been submitted to *Population and Development Review* for publication. The third paper deals with the use of agroforestry for soil conservation in China and has not been submitted for publication. Soon it should be submitted to a refereed journal.

In all of our joint research, I found [the petitioner] to be a dedicated worker who contributed 100% of his share of the work. His contributions were always on time. I found him to be a careful scientist who examined all aspects of all problems before he accepted or rejected an idea.

[The petitioner] is highly intelligent and is well trained in agronomy and the other sciences. His weakness is his oral and written English; however, he has been working on these deficiencies.

I am confident that he can successfully complete a master's degree in graduate study. Therefore, I am pleased to support his application for graduate study at Kansas State University.

Edward Skidmore, Leader of the Wind Erosion Unit and Adjunct Professor of Agronomy at Kansas State University, states:

[The petitioner] joined our research project in 1996. We have jointly worked on several projects dealing with wind erosion impact on environment and soil quality. In addition, I am [the petitioner's] advisor for advanced training at Kansas State University. Therefore I am familiar with [the petitioner's] work and capabilities.

[The petitioner] has become a vital part of several ongoing projects. Without his contribution progress on high-priority research would be seriously retarded. The areas in which [the petitioner] is currently working and the importance and relevance of his participation to these areas include:

1. [The petitioner] and I drafted a research proposal "Evaluating soil erodibility as influenced by grass planting in the Conservation Reserve Program(CRP)." This project was of such high priority that the Natural Resource Conservation Service (NRCS) contributed extramural funding to support it. The project focuses on soil physical, chemical, and biological properties measurement to evaluate soil quality dynamics over time and space. Also to determine change in soil erodibility and other

soil quality indicators by paired comparison of CRP land versus cultivated land and recommend optimal land management system after CRP check-out for farmers, conservationist, policy-makers. The research area is located in southwestern Kansas of Northern Great Plains. We expect to complete the project in the fall of 2001.

[The petitioner] has contributed significantly already to the experimental design, and test procedures. As a key investigator, [the petitioner] and a colleague collected 75 samples for aggregate size distribution and stability, 225 samples for bulk density and soil water retention measurement, and 150 samples for chemical and biological analysis in the field. [The petitioner] has started laboratory determine the water retention, will measure other soil properties [sic].

Because of [the petitioner's] expertise in geo-statistics, global positioning systems, and geographical information systems he plays a vital role in data analysis and interpretation. Without the contribution of [the petitioner], the objectives of this project will be difficult to achieve.

2. [The petitioner] is involved in soil quality assessment affected in wind erosion areas. He is one of the team members of research and extension for soil quality in the Agronomy Department of Kansas State University and the Wind Erosion Research Unit. Soil quality is significantly related to sustainability of agriculture. The indicators include physical, chemical, and biological properties. [The petitioner] is responsible for selecting soil quality indicators affected by wind erosion. He has completed primary particle size distribution analysis of aeolian sediments of soils collected from wind erosion areas. He will test other soil physical and biological properties to assess soil quality within wind erosion areas. The results from his finding will benefit making national resource's inventories [sic], conservation planners, and conservation reserve programs. Particularly, the results will be used to determine soil susceptibility to wind erosion as influenced by intrinsic soil properties.

3. [The petitioner] is one of the investigators in "Wind erosion processes, assessment, and control," which is a national wind erosion research program. This research project relates directly to the high-priority area of USDA research. Here [the petitioner] is responsible for erosion control strategies and assessing erosion damage and environmental impact. [The petitioner] received special training on Environmental Policy when he was at Cornell University. In addition, he has 10 years of first-hand research experience of wind erosion in China. This unique knowledge and experience prepare him to understand erosion processes and economic and environmental consequences. [The petitioner] will use his data, collected in China, to adapt the Wind Erosion Prediction System for international use. His work is a vital part of this study.

4. [The petitioner] is involved in a project "Integrating Wind Erosion Prediction System (WEPS) and Geographical Information System (GIS) to model soil transport and potential erosion area." This project will start in 1999, and last to 2002. WEPS is a process-based, daily time-step model that simulates weather field conditions and erosions. The integration

of WEPS and GIS will assist identifying the area susceptible to erosion, estimate soil loss and produce various spatial maps. The results from this finding will be a basis to assess the potential impacts of land use on wind erosion and land rehabilitation activities. [The petitioner's] experience of wind erosion in China and his expertise in GIS technology, knowledge of soil, and agronomy are the basis for our selection of him to work on this project. His not being able to continue would be a major set back.

Amare Retta, Assistant Professor and Researcher at Kansas State University, states:

In April, 1996, [the petitioner] transferred to USDA-ARS, Wind Erosion Research Unit at Kansas State University, where he is pursuing his Master's Degree in Agronomy. This government body, established in 1947, is known for its leading research in wind erosion processes, develop [sic] reliable predictive tools and control practices. While [the petitioner] has been working on our group, he presented two papers at International Conferences held in Texas and Kansas, in 1996 and 1997, respectively. One of [the petitioner's] papers deals with agroforestry for desertification control. It was published in the Proceedings of the International Conference of Desert Development in Texas in 1996. This Conference was sponsored by UNEP. The other one discussed the wind erosion in the field of a semiarid region in China. He developed an instrument for measuring seasonal soil loss due to wind. The results from the observation provide basic field data about soil loss rates. Those data are very important for validating a wind erosion model. This paper was published in the Proceeding of the International Wind Erosion Symposium, Manhattan, Kansas in 1997. Considering his expertise in the field, the Wind Erosion Symposium committee requested him to review two papers for the conference proceedings.

[REDACTED] and researcher at Kansas State University, states:

We have worked together on wind erosion projects at Kansas State University, in cooperation with the USDA Agriculture Research Service (ARS), Wind Erosion Research Unit located in Manhattan, Kansas. In my capacity here, I have worked closely with [the petitioner] on numerous projects. I have found his knowledge of the subject of wind erosion to be rare in the Agronomic community.

[The petitioner] will study soil erodibility and other soil quality measures resulting from different cropping systems. For further study, he will integrate a geographical information system, remote sensing images, and the Wind Erosion Prediction System (WEPS), to map spatial distribution of soil particle transport and to extend wind erosion prediction system for international application.

[The petitioner] clearly has made extraordinary contributions to the field. He has over thirty published papers, five national prizes, one international award, and three oral presentations at international conferences. His research projects will improve the environmental quality and agricultural productivity of the United States as well as the world. As such he is an asset to the USDA's wind erosion research program. The results

of his research will also improve the capabilities and accuracy of the USDA's Wind Erosion Prediction System model under development. In addition, Kansas State University will benefit from [the petitioner's] experience in international agriculture and his unique knowledge of wind erosion on the international scale.

[REDACTED] Engineer for the United States Department of Agriculture, states:

[The petitioner] began work in our laboratory in April 1996 to work with us on problems related to wind erosion research. He is currently a key member of a team evaluating the effects of changing land use from grass in the Conservation Reserve Program (CRP) to production crop land. This work involves field sampling and laboratory analyses of the samples using unique equipment to determine changes in soil temporal properties which affect water infiltration, nutrient availability, and wind erodibility of the soils. His laboratory skills and talents in data analyses are critical to enable completion this multi-year research project.

Since 1985, [the petitioner] has been an author or co-author of over 30 published research papers and has also co-authored a chapter that has been accepted for publication for a book on "Environmental Resource Management."

In summary, I believe that it would be highly beneficial to both current U.S. and future China national interests to allow [the petitioner] to remain in the United States to continue with his research program.

[REDACTED] Research Professor at the [REDACTED] Chinese Academy of Sciences, worked with the petitioner for ten years. [REDACTED] credits the petitioner with presenting "strategies of sustainable agriculture in desertification regions" and developing "techniques for ecological restoration and crop production." He notes that the petitioner conducted research on soil erosion, cropping systems, and soil management. [REDACTED] states that the petitioner developed a patented technique in China for conserving water while cultivating rice on sandy land regions. However, as noted in the director's decision, the evidence submitted reflects that this patent was awarded to the [REDACTED] not the petitioner.

The classification sought by the petitioner requires him to establish that he has attained national or international acclaim for his contributions of major significance to the field. All six of the individuals offering letters for the petitioner have collaborated with him on research projects at Cornell University, Kansas State University or the [REDACTED] Desert Research. The letters from his former professors, research collaborators, university colleagues, and co-workers fail to establish national or international notoriety in the field of agronomy. If the petitioner's work is not widely praised outside of Kansas State University and the [REDACTED] Institute, then it cannot be concluded that he enjoys sustained national or international acclaim as one who has reached the very top of his field.

The construction of the regulations demonstrates the Service's preference for verifiable, documentary evidence, rather than subjective opinions of witnesses selected by the petitioner.

It should be noted that the Service is not questioning the credibility of the petitioner's witnesses, but looking for evidence that the petitioner's research has impacted the field beyond his acquaintances.

While the petitioner's research studies clearly have practical applications, it can be argued that any Ph.D. thesis or article, in order to be accepted by a university or for publication, must offer new and useful information to the previously existing pool of knowledge. It does not follow that every researcher whose theories are accepted for publication or as a dissertation has made a major contribution.

The petitioner has not provided sufficient evidence that his research, to date, has consistently attracted significant attention outside of his universities or the [redacted] of Desert Research. Furthermore, while the letters submitted detail the petitioner's valued participation in research projects under the direction of others, his specific contributions of major significance remain unclear. Several of the testimonial letters, such as the one from [redacted] speculate on the future promise of advances resulting from the petitioner's techniques [redacted] describes the petitioner as "progressing toward the top of his profession." His description supports the director's conclusion that the petitioner has not yet risen to the top of his field.

The petitioner seeks a highly restrictive visa classification, intended for aliens already at the top of their respective fields, rather than for individuals "progressing toward the top" at some unspecified future time. We cannot ignore that many of the petitioner's witnesses appear to have earned considerably more prestige and authority than the petitioner in the scientific community; they hold higher degrees, have won more awards for their work, and published more articles. While the witness letters from the petitioner's colleagues and collaborators are useful in detailing the petitioner's research studies and academic achievements, they offer insufficient evidence to demonstrate his lasting or wide-ranging impact on the field of agronomy which is critical to a demonstration of sustained national or international acclaim.

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

The petitioner submitted evidence that he has authored or co-authored over thirty papers in the field of agronomy. The Association of American Universities' Committee on Postdoctoral Education, on page 5 of its Report and Recommendations, March 31, 1998, set forth its recommended definition of a postdoctoral appointment. Among the factors included in this definition were the acknowledgement that "the appointment is viewed as preparatory for a full-time academic and/or research career," and that "the appointee has the freedom, and is expected, to publish the results of his or her research or scholarship during the period of the appointment."

Thus, this national organization considers publication of one's work to be "expected," even among researchers who have not yet begun "a full-time academic and/or research career." This report reinforces the Service's position that publication of scholarly articles is not automatically evidence of sustained acclaim; we must consider the research community's reaction to those

articles. Frequent citation by independent researchers demonstrates more widespread interest in, and reliance on, the petitioner's work.

The record contains no evidence that the petitioner's articles have been cited by independent researchers, or any researchers at all. The petitioner has failed to demonstrate that his published works have earned him, individually, national or international acclaim.

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

Counsel states that the petitioner has presented the results of his research at several international forums. The plain wording of the regulation refers to "artistic exhibitions or showcases," which does not apply to annually held scientific meetings and conferences where researchers present their findings. This regulatory criterion is clearly intended for artists such as sculptors and painters rather than for research scientists. Not every criterion will apply to every occupation. Further, there is no mention as to whether the petitioner served as a keynote speaker, or if he was simply one of many researchers giving presentations at the same forum. The listing of conferences attended by the petitioner fails to demonstrate sustained national or international acclaim in his field of endeavor.

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

Counsel states that the petitioner has played a critical role in organizations with a distinguished reputation, including the [REDACTED] of Desert Research and the Wind Erosion Unit at Kansas State University. The petitioner has served as an assistant researcher and an assistant research professor at the [REDACTED]. At Kansas State University, the petitioner is pursuing a master's degree in agronomy. These positions hardly qualify as leading or critical roles in one's field of expertise. The petitioner has demonstrated that he has played an important role within research groups under the direction of others. However, a review of the petitioner's work experience reveals no evidence to establish that he has ever served as a lead researcher, department head or project manager in his area of expertise. Further, the petitioner has submitted insufficient evidence to demonstrate that the petitioner's research groups qualify as organizations or establishments with distinguished reputations. It should be noted that there are numerous prestigious universities throughout the world, each with several important research groups and most, not all, of these groups have at least one valuable researcher. The record does not reflect that the petitioner has performed a leading or critical role within his organizations.

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the alien has achieved sustained national or international acclaim, is one of the small percentage who has risen to the very top of the field of endeavor, and that the alien's entry into the United States will substantially benefit prospectively the United States.

Review of the record, however, does not establish that the petitioner has distinguished himself as a researcher of wind erosion 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 researcher, but is not persuasive that the petitioner's achievements set him significantly above others in his field. 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.