



Ba

U.S. Department of Justice
Immigration and Naturalization Service

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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



File: EAC 01 162 51331 Office: Vermont Service Center Date: **NOV 13 2002**

IN RE: Petitioner:
Beneficiary:

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:

SELF-REPRESENTED

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, Vermont 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 --

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

This petition, filed on April 12, 2001, seeks to classify the petitioner as an alien with extraordinary ability as a social worker/Ambassador Program Coordinator. At the time of filing, the petitioner was working as an Ambassador Program Coordinator for South Boston Neighborhood House, a private, nonprofit, settlement house that supports family and neighborhood life in Boston. The petitioner's duties as Ambassador Program Coordinator involved providing "outreach to new immigrant families and help[ing] them transition to life in America."

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 that, she 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 response to the director's request for evidence, the petitioner submitted evidence of her receipt of the following local awards:

1. Virginia Kropas Award from the Massachusetts Association of Settlement Houses (November 2001)
2. Certificate of Recognition from the House of Representatives, Commonwealth of Massachusetts (December 2001)
3. Certificate of Appreciation from the Massachusetts Department of Social Services (October 2001)
4. Certificate of Recognition from the Mayor of Boston (date not provided)

This criterion requires evidence that the petitioner's awards are "nationally or internationally recognized." Awards that are local or regional in scope cannot satisfy this criterion. Furthermore, at least three of the awards provided by the petitioner came into existence subsequent to the petition's filing. See Matter of Katigbak, 14 I & N Dec. 45 (Reg. Comm. 1971), in which the Service held that aliens seeking employment based immigrant classification must possess the necessary qualifications as of the filing date of the visa petition.

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 submits a letter from Boston University's Center for Psychiatric Rehabilitation stating that the petitioner "participated with other faculty members in the Community Action Grant for Service System Exchange, a Latino Initiative from Boston University." The record, however, contains no evidence that the petitioner's involvement with this group required outstanding achievement, as judged by recognized national or international experts in social work. Furthermore, it has not been shown this group constitutes an association that requires its participants to meet specific individual membership criteria.

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.

In response to the director's request for evidence, the petitioner submitted an article appearing in the *Boston Globe* on November 18, 2001 under the "Job Explainer" column of the business section. This article was published subsequent to the filing of the petition. See *Matter of Katighak, supra*.

Even if we were to consider the article, the article consists only of a general job profile for an Ambassador Program Coordinator and does not reflect media coverage of petitioner's major individual accomplishments in the field of social work. Because the statute demands sustained national or international acclaim, the petitioner cannot satisfy this criterion unless she has been the subject of regular coverage in major national or international publications. A single local newspaper article featuring nine general questions about the Ambassador Program Coordinator job position fails to satisfy this criterion.

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

The petitioner submits several witness letters in support of the petition. Bryan Van Dorpe, Executive Director, South Boston Neighborhood House, states:

The South Boston Neighborhood House is a private, non-profit, settlement house that will be celebrating its 100th anniversary next year of supporting family and neighborhood life in South Boston. Programs include childcare, adolescent services, adult education and vocation, a senior center, family services, a family art and reading program, and volunteer coordination for the community. Services are created with the goal of building the capacity of families as well as strengthening positive influences and social interactions of families of the community.

Since their inception in the 19th century, settlement houses have traditionally held the role of welcoming newcomers to their communities. SBNH continues these services today with its "Ambassador Program," a staple in the community for new families, especially non-English speaking minorities.

The success of the Ambassador Program is based solely on [the petitioner's] many years as Ambassador Coordinator and her role of providing outreach to and community organization for the many new families in need of services in the South Boston and Dorchester communities. She has a unique position in the community as the supporter of many new immigrant families. The respect and admiration [the petitioner] has gained in the community is overwhelming, and she is indispensable, not only to the SBNH, but also to other community agencies in South Boston and Dorchester. [The petitioner] rises to the many daily challenges of her position by identifying and recruiting new families to the community and providing them with the support systems necessary to be productive and contributing members to the community.

SBNH has recently completed a Strategic Planning Process that has resulted in developing

agency goals for the next ten years. One of the primary objectives of the agency is to strengthen our outreach and the ability to reach many newcomers and minorities of the community. [The petitioner] has already promoted this goal and is an integral part of the future outreach plan of the agency. The work of [the petitioner] has resulted in a substantial increase in the families for color who are identified and utilize services at SBNH. In fact in fiscal year 2000, over 200 Latino families were enrolled in programs at SBNH, which is a 100% increase over the past three years.

I truly believe that [the petitioner's] special talents, instinct, and understanding of the community in which she lives, as well her relationship with the newcomers to the community, makes her an extraordinary talent who is irreplaceable to our community. [The petitioner] is an ideal candidate for a Community Organization Worker position at the South Boston Neighborhood House. She possesses the equivalent of a U.S. Bachelor Degree in Social Work from the National University of Cuyo, Argentina. She also has years of experience working in social service agencies. These qualifications, in addition to the years of groundbreaking, community organization in South Boston and Dorchester make [the petitioner] a valuable asset and essential part of the outreach and organization efforts of SBNH.

[The petitioner] has been recognized throughout the community for her many years of comprehensive community work in South Boston and Dorchester. She was awarded the Volunteer Recognition Award from SBNH four years ago and is recognized each year by the Board of Directors at its Annual Meeting for her dedication and commitment to the families of the community.

Other witnesses such as Gina King, Director of Family Services for South Boston Neighborhood House; Vivian Davidovich, Director of Volunteer Services, Massachusetts Department of Social Services; and Sister Madeline Kavanagh of the Labour Center, a Catholic Charities affiliate located in South Boston, offer similar assertions regarding the petitioner's dedication to her job and positive influence on the Latino immigrant community of Boston.

On appeal, the petitioner states that her work is national in scope and not limited only to Boston. The petitioner claims that her "model is being used in Connecticut and New York." The petitioner submits a letter from U.S. Congressman Stephen Lynch, 9th District of Massachusetts, requesting that the Service give due consideration to the petitioner's appeal. Congressman Lynch notes that the South Boston Neighborhood House falls within his Congressional district. He states:

The work that [the petitioner] does at the South Boston Neighborhood House serves as a model to centers in Connecticut and New York. New immigrant families adjusting to life in different parts of the United States stand to benefit from [the petitioner's] work.

While it is apparent that both Hispanic and non-Hispanic new immigrant families in my Congressional District directly benefit from [the petitioner's] work, it is also fair to conclude that these same services are being made available in other states as a result of [the

petitioner's] talents.

In support of the above assertions, the petitioner submits a greeting card dated November 12, 2001 from Sister Madeline Kavanagh, who now works as a Mobile Soup Kitchen Director for St. John's Church in Brooklyn, New York. Sister Kavanagh states that her mobile soup kitchen "is currently serving neighborhoods that are receiving new immigrants all the time and so the opportunity to contribute to a smoother integration is ever present." She adds: "In my short time here in Brooklyn we have begun the process with the advantage of having your time-proven model as our guide." The record, however, contains no evidence that the petitioner conceived the idea for the South Boston Neighborhood House Ambassador Program or that outreach programs serving the immigrant community are the petitioner's own novel concept. It could easily be argued that such programs previously existed in many forms throughout the United States. For example, Catholic Charities has provided similar immigrant outreach services for decades. It could also be argued that Sister Kavanagh became aware of the petitioner's work not because of the petitioner's widespread acclaim as a social worker, but because she had previously worked with the petitioner in South Boston.

The petitioner also submits a letter dated January 15, 2002, from Sister Clarisse Correia, Executive Director of St. Joseph's Family Life Center in Stamford, Connecticut. Sister Correia's letter references the November 18, 2001 article in the *Boston Globe* and requests information on the Ambassador Program and a site visit to the South Boston Neighborhood House. It should be noted here that the petitioner has asserted that her "model is being used in Connecticut." The letter provided by Sister Correia, however, does not support this claim. Sister Correia's letter fails to identify any specific methods developed by the petitioner that have been used at the St. Joseph's Family Life Center in Connecticut.

Even if the petitioner were to submit evidence showing that her specific ideas had been implemented in Connecticut and New York, this would only demonstrate some limited regional acclaim in the Northeastern United States. The statute, however, demands national acclaim and the petitioner's evidence simply does not rise to that level. We further note that the letters from Sisters Kavanagh and Correia relate to events that occurred subsequent to the filing of the petition. See Matter of Katighak, *supra*. A review of the witness letters submitted by the petitioner fails to demonstrate the wider reputation resulting from the petitioner's contributions which is critical to a demonstration of sustained national or international acclaim.

The record in this case generally describes the petitioner's work rather than offering a valuation of its overall significance to the field. The petitioner has not shown that her individual efforts have been widely recognized as a contribution of major significance in social work. The petitioner's work appears limited to the Latino community she directly serves in Boston, thus localizing its impact. Furthermore, the petitioner has failed to show the importance of her contributions relative to those of other social workers. The record does not sufficiently detail the extent to which other social workers have relied upon the petitioner's community outreach methods as a model or show that the petitioner's individual efforts have garnered her national acclaim.

In this case, the petitioner has failed to submit evidence setting herself apart from others in the field of social work. The fundamental nature of this highly restrictive visa classification demands comparison between the alien and others in the field. The regulatory criteria describe types of evidence which the petitioner may submit, but it does not follow that any social worker who participates in a successful local community program, or who has been named in a newspaper article, is among the small percentage at the very top of the field. While the burden of proof for this visa classification is not an easy one to satisfy, the classification itself is not meant to be easy to obtain; an alien who is not at the top of his or her field will be, by definition, unable to submit adequate evidence to establish such acclaim. This classification is for individuals at the rarefied heights of their respective fields; an alien can be successful, and even win praise from respected figures in the community and in her field, without reaching the top of that field.

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.

In this matter, the petitioner has demonstrated her value to her local community and dedication to her work. Review of the record, however, does not establish that the petitioner has distinguished herself as a social worker/Ambassador Program Coordinator to such an extent that she may be considered to have achieved sustained national or international acclaim or to be within the small percentage at the very top of her field. The evidence is not persuasive that the petitioner's achievements set her significantly above others in her field at the national or international level. 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.

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 outstanding researcher pursuant to section 203(b)(1)(B) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(1)(B). The petitioner seeks employment as a research fellow. The director determined that the petition was filed without a qualifying job offer.

On appeal, the petitioner submits job offer letters from three different employers. All of these letters are from early 1999, well after the petition's July 1998 filing date.

This petition was filed by the alien himself, on his own behalf. Service regulations at 8 C.F.R. 204.5(i)(1), however, state that a petition for an outstanding professor or researcher may be filed by "[a]ny United States employer desiring and intending to employ a professor or researcher who is outstanding in an academic field." The regulations contain no provision allowing alien professors or researchers to file petitions on their own behalf in this visa classification. The petition must be filed by the intending U.S. employer. Therefore, the petition has not been properly filed and any further discussion of the merits of the petition is moot. The petition cannot lawfully be approved. Accordingly, the appeal must be dismissed, without prejudice to any future petition properly filed by a U.S. employer with all necessary documentation and fee.

ORDER: The appeal is dismissed.

must possess the necessary qualifications as of the filing date of the visa petition. While the petitioner's team's 2002 victories occurred subsequent to filing and, therefore, carry diminished weight, we do acknowledge that they reflect further evidence of how his coaching skills have produced some national award winners.

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 submits proof of his membership in the Chinese Bowling Association and the Guangzhou Bowling Association. Also submitted under this criterion are their constitutions. In order to demonstrate that membership in an association meets this criterion, the petitioner must show that the association requires outstanding achievement as an essential condition for admission to membership. Membership requirements based on employment or activity in a given field, a fixed minimum of education or experience, standardized test scores, grade point average, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion because participation, employment, education, experience, test scores and recommendations do not constitute outstanding achievements. In addition, memberships in an association that judges membership applications at the local chapter level do not qualify. It is clear from the regulatory language that members must be selected at the national or international, rather than the local, level. Finally, the overall prestige of a given association cannot satisfy the criterion, because the key issue is membership requirements rather than the association's overall reputation.

The membership section of the constitution for the Guangzhou Bowling Association states: "The association accepts individual members. All those who reach eighteen and over, in good health and admit the constitution of the association may apply for its membership with sufficient personal information." Therefore, the record does not show that admission to membership in this regional association requires outstanding achievement in bowling, as judged by experts at the national level.

The membership section of the constitution of the Chinese Bowling Association states:

The association admits for its group members the bowling associations of all provinces, municipalities and municipalities under direct jurisdiction of the Central Government as well as... the gymnastic associations of all walks of life. Individual applicants, when approved, will be admitted as individual members.

Individual members are obligated to take an active part in promoting the sport, abide by the rules governing the association, undertake tasks assigned by the association, and pay the association fees on time. The record contains no specific evidence showing that individual membership requires outstanding bowling achievement or election by nationally recognized

bowling experts. Nor is there indication that membership decisions are made at the required national or international level, rather than at the “municipal” level. Furthermore, according to the Chinese Bowling Association’s constitution, municipality group members automatically fall under the association’s membership jurisdiction.

The petitioner also submits “competition rules” governing participation at various bowling events, but these rules pertain to the bowling events rather than to either of the above associations’ membership requirements.

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.

In general, in order for published material to meet this criterion, it must be primarily about the petitioner and, as stated in the regulations, be printed in professional or major trade publications or other *major media*. To qualify as major media, the publication should have significant national distribution and be published in a predominant language. An alien cannot earn acclaim at the national level from a local publication or from a publication in a language that most of the population cannot comprehend. Some newspapers, such as the *New York Times*, nominally serve a particular locality but they qualify as major media because of significant national distribution, unlike small local community papers.

The petitioner submits a press release and an article appearing in the *Guangzhou Daily News*. A press release does not constitute “published material.” The article appearing in the *Guangzhou Daily News*, reflects local, rather than national, media coverage. Furthermore, the entire article devotes only two sentences to the petitioner. The plain wording of the regulation requires the petitioner to submit “published materials about the alien,” and articles that barely even mention the petitioner cannot satisfy this criterion.

The petitioner also submits articles appearing in the *China Daily* newspaper and *South China Metropolitan*. These articles were published subsequent to the filing of the petition. See Matter of Katigbak, supra. Even if we were to accept this evidence, the extent of the publications’ circulation, a key factor in determining whether they qualify as major media, has not been provided. Furthermore, the article appearing in the *China Daily* was published in the United States in a language that the vast majority of the U.S. population cannot comprehend. Finally, while the article in the *South China Metropolitan* mentions the petitioner’s team, it does not mention the petitioner himself.

The petitioner has not demonstrated that he has captured sustained attention from major national media such as magazines like *Sports Illustrated*. The petitioner’s limited submission of articles is hardly indicative of sustained national or international acclaim.

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.

In an occupation where “judging” the work of others is an inherent duty of the occupation, such as a coach, instructor, teacher, professor or editor, simply performing one’s job related duties demonstrates competency, and is not evidence of national or international acclaim. Instead, a petitioner must demonstrate that the alien’s sustained national or international acclaim resulted in his selection to serve as a judge of the work of others. Similarly, the competition or contest must be on a national or international level. For example, judging a national competition carries greater weight than judging a citywide competition.

Counsel argues that the petitioner’s coaching of the Guangzhou Bowling Team satisfies this criterion. We disagree with counsel’s assertion. Using counsel’s logic, any coach instructing his team members would satisfy this highly restrictive criterion, rendering it meaningless. In this case, the petitioner is providing guidance and instruction to members of his bowling team rather than officiating or judging at a bowling competition in an independent, objective capacity. The petitioner’s coaching of bowlers is a duty inherent to his occupation and, therefore, it cannot satisfy this criterion.

In the decision denying the application, the director stated: “To his credit, the self-petitioner has shown that he is a judge of the works of others in the field of bowling by virtue of his service as a judge at several bowling competitions in China.” The evidence contained in the record does not support the director’s conclusion. While the petitioner possesses “bowling ball judge” certification, we find no documentary evidence indicating that the petitioner has ever participated as a bowling ball judge at a national or international competition. The petitioner’s participation in bowling competitions has been limited to his coaching and competing.

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

Counsel argues that the petitioner’s awards and bowling of several perfect games (score of 300) satisfy this criterion. The petitioner’s awards have previously been addressed under a criterion that the petitioner has already met. The ten criteria are intended to be separate and distinct from one another. Therefore, an award cannot fulfill this second criterion without clear evidence that the award was given for specific contributions of major significance, rather than for recognition of a bowling victory. Perfect games have not been shown as being unique to the petitioner and the petitioner holds no national bowling records in China. In sum, the record does not show that any of the petitioner’s coaching or competitive accomplishments are widely recognized as being a contribution of major significance to his sport.

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

In order to establish that he performed a leading or critical role for an organization or establishment with a distinguished reputation, the petitioner must establish the nature of his role within the entire organization or establishment and the reputation of the organization or establishment.

Counsel states:

The petitioner has been a member of nationally recognized bowling teams in China since 1995. Since 1998 he has been a member of, and is now the head coach of, the official bowling team representing China in international competitions.

* * *

The State Physical Culture and Sports Commission is the official organization of the government of China that is responsible for all athletic teams that represent China in international competitions. It is the organization that will be responsible for the Chinese national sports teams that will participate in the 2004 and 2008 Olympic games.

The petitioner submits an announcement notice from the State Physical Culture and Sports Commission confirming the petitioner's appointment to serve as one of the coaches of the Chinese National Bowling Team at the Asian Sports Meet in Hubei (1998). Additional notices confirm the petitioner's coaching involvement at two other events. Participation in three events since 1998 does not appear to reflect a permanent or sustained role. Furthermore, the three notices provided offer little insight as to the nature of the petitioner's specific role as a coach. While we accept that the Chinese National Bowling Team qualifies as a distinguished organization, there is no documentation from officials of the State Physical Culture and Sports Commission detailing the petitioner's specific coaching role and responsibilities. The absence of such documentation from the commission is a crucial omission from the record. It is not clear whether the petitioner was selected to coach simply because he was accompanying athletes from the City of Guangzhou. Furthermore, the national bowling team members appear to be appointed by the commission rather than by the petitioner. The extent of the petitioner's control over team decisions has not been shown.

On appeal, counsel notes that from 1997 to 2000, the petitioner was "team leader" of the Guangzhou Bowling Team. The petitioner submits a "letter of recommendation" from the Chief Secretary of the Guangzhou Bowling Association that states the following:

[The petitioner] is one of the best national bowling sportsmen. He had won many awards during the national and international bowling games and his scores were outstanding...

When he became team leader and head coach of the Guangzhou Bowling Team, he performed exceptionally wonderful for the team. Players trained by him have represented China in many international sports meets and won many prizes. He has played an outstanding role in the promotion and publicizing [of] physical culture in bowling games.

Other than the award won by Zhong Jianxiong and his supporting testimonial, the petitioner offers no direct evidence to support the above statement regarding the petitioner's coaching of bowlers who won "many prizes." It must be emphasized that section 203(b)(1)(A)(i) of the Act demands extensive documentation of sustained national or international acclaim. The petitioner cannot demonstrate eligibility under this criterion by submitting a witness letter that offers only brief, vague information about the petitioner's role as a coach. Furthermore, the petitioner has provided no comparative evidence in terms of competitive results to show that the Guangzhou Bowling Team is distinguished when compared to the bowling teams from other Chinese cities. Simply coaching a team from a large city does not automatically demonstrate a leading or critical role in a distinguished organization.

More persuasive would have been detailed letters, directly from the above-mentioned organizations, describing the petitioner's specific role and listing the bowlers whom he directly coached (along with their individual awards). Counsel's assertions regarding their awards cannot suffice. See Matter of Laureano, Matter of Obaigbena, and Matter of Ramirez-Sanchez, *supra*. We acknowledge the article appearing in the *South China Metropolitan*, but it discussed events that occurred subsequent to the filing of the petition. See Matter of Katigbak, *supra*. The absence of substantial evidence documenting specific national or international awards won by the petitioner's teams and individual bowlers is a crucial omission from the record.

Throughout this proceeding, the petitioner has submitted numerous photographs bearing captions written by the petitioner. On appeal, many of the photographs provided show events that occurred subsequent to the filing of the petition. See Matter of Katigbak, *supra*. These photographs, accompanied by the petitioner's own subjective assertions, do not carry the same evidentiary weight as independent, first-hand evidence from awarding entities, bowling associations, or the petitioner's employers. The evidence that the petitioner did provide from these organizations regarding his specific achievements, however, was vague and limited. In sum, the evidence submitted has failed to demonstrate the petitioner's sustained national acclaim in China.

The fundamental nature of this highly restrictive visa classification demands comparison between the alien and others in the field. The regulatory criteria describe types of evidence which the petitioner may submit, but it does not follow that every bowler who has competed or coached in the national or international arena, is among the small percentage at the very top of the field. Supplementary information at 56 Fed. Reg. 60899 (November 29, 1991) states:

The Service disagrees that all athletes performing at the major league level should automatically meet the “extraordinary ability” standard.... A blanket rule for all major league athletes would contravene Congress’ intent to reserve this category to “that small percentage of individuals who have risen to the very top of their field of endeavor.”

While the burden of proof for this visa classification is not an easy one to satisfy, the classification itself is not meant to be easy to obtain; an alien who is not at the top of his or her field will be, by definition, unable to submit adequate evidence to establish such acclaim. This classification is for individuals at the rarefied heights of their respective fields; an alien can be successful, and even win praise from well-known figures in the field, without reaching the top of that field.

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. The petitioner has failed to demonstrate receipt of a major internationally recognized award, or that he meets at least three of the criteria that must be satisfied to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability.

A review of the record does not establish that the petitioner has distinguished himself in the sport of bowling 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 is not persuasive that the petitioner’s achievements set him significantly above almost all others in his field at a national or international level. Therefore, the petitioner has not established the petitioner’s 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. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.