**U.S. Department of Homeland Security**

Bureau of Citizenship and Immigration Services

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identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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

[redacted]

File: [redacted] Office: VERMONT SERVICE CENTER Date: APR 0 8 2003

IN RE: Petitioner:
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)

ON BEHALF OF PETITIONER:

**PUBLIC COPY**

[redacted]

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 Bureau of Citizenship and Immigration Services (Bureau) 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.

Robert P. Wiemann, Director
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was initially approved by the Director, Vermont Service Center. On the basis of new information received and on further review of the record, the director determined that the beneficiary petitioner was not eligible for the benefit sought. Accordingly, the director properly served the petitioner with notice of intent to revoke the approval of the immigrant visa petition, and the reasons therefore, and ultimately revoked the approval of the petition on September 12, 2002. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

We note that the most recent submissions, indeed every substantive submission in the record, has been submitted by attorney [redacted] whose representation of the petitioner began with the filing of Form G-28, Notice of Entry of Appearance as Attorney or Representative, submitted with the petition itself. The petitioner has since, however, filed another Form G-28, designating [redacted] the attorney of record. This most recent Form G-28 supersedes any prior Forms G-28. Therefore, while the most recent submissions have come from Mr. [redacted] we must nevertheless consider Mr. [redacted] o be the petitioner's former attorney rather than his attorney of record. The term "prior counsel" shall in this decision refer to Mr. [redacted] the term "counsel" shall refer to Mr. [redacted]

We note also that both attorneys have independently filed appeals on the petitioner's behalf. Prior counsel's appeal (receipt number EAC 02 294 51770) was timely filed on September 24, 2002, before the filing of counsel's appeal (receipt number EAC 02 297 53057). Counsel's appeal is therefore redundant; there is no regulation that allows a petitioner to submit two concurrent appeals of the same decision. Therefore, we hereby reject counsel's appeal.[1]

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 as a "military science specialist" (the term used by the petitioner on the petition form). The director revoked the approval of the petition, having determined that the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

The petitioner had submitted an earlier Form I-140 petition (receipt number EAC 99 067 51072, filed December 21, 1998) seeking classification as an alien of extraordinary ability. The director denied that petition on August 4, 1999. On a motion from the petitioner, the director reopened and again denied the petition on December 10, 1999. At approximately the same time that he filed his motion to reopen that petition, the petitioner filed a second petition, which is the petition under consideration in this present proceeding. A section of the Form I-140 instructed the petitioner to state whether or not an immigrant visa petition has ever been filed on behalf of the alien, and if a prior petition had been filed, the form instructed the petitioner to "attach an

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[1] The appeal would in any event be subject to rejection, because it was not properly filed during the allotted time period. Furthermore, counsel's appeal contains no substantive assertions; counsel merely expresses disagreement with the director's findings. Counsel states that a brief is forthcoming within 30 days, but the record contains no further submissions from counsel. Therefore, had it not been subject to rejection on two grounds, the appeal would have been subject to summary dismissal pursuant to 8 C.F.R. § 103.3(a)(1)(v).

explanation." The petitioner indicated that a prior petition had been filed, but the record does not contain an attached explanation. There is an attachment to the I-140, addressing other sections of the form, but it does not elaborate upon the earlier denied petition.

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 pertinent regulations 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.

Section 205 of the Act, 8 U.S.C. § 1155, states that "[t]he Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204 [of the Act]."

The petitioner is a former major general in the Pakistani Army, who seeks employment as a military science specialist.

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 that, prior counsel 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 received a commendation from the Chief of the Army Staff in Pakistan in August 1991. The commendation certificate is a "form" document with specific information added with a typewriter, indicating that such commendations are sufficiently common to justify the mass production of the certificates.

The petitioner states that he received several medals in connection with his involvement in combat operations. The petitioner does not submit direct evidence of his receipt of these medals, but it is not clear that submission of such evidence would establish eligibility. The petitioner submits documentation describing one of his claimed medals, relating to the United Nations Operation in Somalia. According to this documentation, "[q]ualifying time for the medal is 90 days of service in the Mission." If every officer and soldier who served 90 days or more in Somalia received this medal, then the medal does not appear to reflect sustained acclaim or extraordinary ability.

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

Prior counsel states:

> [The petitioner] served as a defense advisor to Genera[redacted] during the Gulf War because he is an exceptionally talented military expert on Middle Eastern affairs. Moreover [the petitioner] is a recognized expert on the escalation of the arms race between India and Pakistan. . . .
>
> [The petitioner's] military knowledge helped him understand the territorial disputes, nuclear tests, military confrontations, religious/ethnic conflicts and terrorism that mars peace in South Asia. . . . He made significant contributions to Pakistan's peace-keeping operations in a series of manuals. . . . These peace-keeping manuals demonstrate that [the petitioner] was a key person in helping strengthen the United Nations mission to stabilize South Asia and prevent nuclear war between India and Pakistan.

The record contains copies of the above-mentioned manuals, but the petitioner has not shown that these manuals are nationally or internationally recognized as major contributions as opposed to routine training materials. The record also lacks first-hand documentation to establish the extent or significance of the petitioner's role during the 1991 Gulf War.

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

As evidence under this criterion, prior counsel cites a number of manuscripts written by the petitioner (discussed further below) and a report from a seminar entitled "United Nations Peacekeeping Operations." The report identifies the petitioner as the chief organizer of the seminar, which included delegates from several nations. The petitioner did not actually participate in the seminar itself.

While the petitioner was a senior officer of Pakistan's Army prior to his retirement in 1996, there are ranks above major general, and the petitioner has not shown that he played a leading or critical role for the Army as a whole during his tenure.

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

The record contains copies of several reports by the petitioner. Some, such as *Terrorism in Pakistan*, appear to manuscripts with no evidence of publication. Other materials appear to be internal military publications such as training manuals.

Beyond the above criteria, prior counsel cites "testimonials attesting to [the petitioner's] extraordinary ability." These "testimonials" consists of "letters of introduction" from various individuals who have worked with the petitioner. Perhaps the most prominent such individual is [redacted] Rector of the International Islamic University, who was appointed Caretaker Prime Minister of Pakistan following the dissolution of Benazir Bhutto's government. [redacted] states:

> [The petitioner's] career in the military has been most illustrious. I have known him more as a scholar who has an in depth study on Geopolitics of the Middle East, the Central Asian Republics, Iran, Afghanistan, India and China. He has worked and traveled widely in these countries and can comprehend the future power dynamics of the region. . . .
>
> He is a popular guest speaker who is highly sought after and can be a research scholar and consultant on the region of his expertise.

Lieutenant General Tahir Ali Qureshi states:

> [The petitioner] performed the duties of Director General Doctrine and Evaluation at General Headquarters, Pakistan Army from 1992 to 1994. During his tenure of duty as Director General he conducted research work on a number of subjects/projects [at the] National/Army level.
>
> He organized an International Seminar on United Nations Peace Keeping Operations for the Army in 1994 which was attended by representatives of many countries. He is author of three pamphlets on United Nation[s] Peace Keeping Operations. He has remained on the Advisory Board of the Pakistan Army Green

> Book; an annual publication based on research papers pertaining to professional subjects such as Command, Leadership, Training & Sustainment etc. He was specially assigned to judge the quality of research work, selection, editing and publication of this book.
>
> The General Officer has been extensively involved in evolving and writing of operational doctrines on a wide variety of subjects pertaining to the Army. The contents of these works cannot be disclosed due to their being classified.

Admiral Fasih Bokhari, chief of Naval Staff, states:

> I have known [the petitioner] since 1988 when we were colleagues at the Saudi Ministry of Defence as advisors. The General officer is a well read strategist who is untiring in his efforts and has the capacity for hard work.
>
> During the Gulf War he gained an insight into the working of the Arab nations and their American/European allies. He was awarded a Commendation Card by the Chief of the Army Staff, Pakistan Army for his superb performance in Saudi Arabia.
>
> [The petitioner] is a true scholar of great standing who has a clear picture of power dynamics and can logically analyse the future trends and relationships in the Middle Eastern region.

Cynthia Judge, who formerly served in Pakistan as a Foreign Service Officer for the U.S. Agency for International Development (USAID), states that the petitioner "is a true expert in military and geopolitical affairs in the Middle East, Subcontinent, and Central Asia. His educational credentials and years of practical experience have provided him with an extensive knowledge of world affairs."

Other witnesses offer similar letters on the petitioner's behalf. These letters show that the petitioner has interacted with top officials of Pakistan's military establishment as well as liaisons from other governments, but the letters are generally vague and amount to descriptions of the petitioner's work rather than assessments that compare the petitioner's accomplishments to those of other high-ranking officers in the Army of Pakistan. Also, it is significant that many of these witnesses have attained stations considerably higher than those the petitioner himself has reached.

[redacted] regional program coordinator for Southern Africa at the National Democratic Institute for International Affairs (NDI), informs the petitioner "[y]our experience is quite impressive and certainly could be of great value to our organization. I am forwarding [a] copy of your resume [to the] director of our Civil-Military Program, General [redacted] whose office will be in contact with you." Ms. [redacted] asks the petitioner to "confirm your availability for a possible presentation at the 9th International Anti-Corruption Conference being held in Durban

10th-15th October [1999], to address *Anti-Corruption Measures in Governance*." The record does not indicate whether or not the petitioner made this presentation, or whether Gen. [redacted] ever contacted the petitioner. At best, this letter expresses NDI's potential interest in the petitioner's services. It does not appear that NDI took the initiative of seeking out the petitioner; rather, the wording and tone of the letter are consistent with a response to a previous inquiry by the petitioner.

The director approved the petition on June 19, 2000. On May 24, 2002, the director issued a notice of intent to revoke the approval of the petition. In that notice, the director stated:

> On August 04, 1999, the initial petition of December 21, 1998, (EAC9906751072) was denied. On December 10, 1999, the Motion of November 09, 1999 (EAC0003252958) was denied.
>
> Both the initial denial and the motion were denied [sic] clearly identifying the reasons and need not be repeated here for they are part of the record.
>
> You chose to submit another petition on October 12, 1999, without disclosing the above information.
>
> The new petition included the same documentation, along with copies of the beneficiary's accomplishments that were listed in the initial petition. These accomplishments were discussed in both the initial denial and denial of the motion submitted.
>
> The record fails to include sufficient documentary evidence establishing sustained national or international acclaim that goes beyond 1995 and the beneficiary's retirement in 1996.
>
> Further, the record fails to include sufficient documentary evidence clearly establishing that the beneficiary is in fact considered to be among the small percentage at the top of his field.
>
> Your submission of the letters from various individuals who are known associates and co-workers do not, in and by themselves, provide sufficient evidence establishing the beneficiary is among the small percentage at the top of his field.

In response to this notice, prior counsel has protested that the director had previously found the petitioner to be eligible, and that no new evidence has surfaced to change this finding. Prior counsel makes this same argument, virtually verbatim, on appeal, and we will consider it in that context further below.

Prior counsel asserts that the petitioner "and his family have permanently moved to the United States and have reestablished their lives here. In reliance on the approved petition, [the

petitioner] incurred significant moving expenses and has sold his foreign real estate holdings." The petitioner submits several letters and certificates showing that his children have excelled in U.S. schools. Prior counsel adds that the petitioner's "move and commitment to the United States has drawn unfavorable attention from the military and political leadership in Pakistan. . . . [The petitioner] has set himself apart from his colleagues and has permanently removed himself from further active participation in his area of expertise in Pakistan." This argument and evidence does not speak to the grounds for revocation, but rather appears to be a humanitarian appeal. Having assumed that he would become a permanent resident, the petitioner has taken significant steps in severing his ties to Pakistan and thus would face considerable hardship unless the approval of his petition is upheld. In *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988), the Board of Immigration Appeals held that approval of a visa petition vests no rights in the beneficiary of the petition, and the beneficiary is not, by mere approval of the petition, entitled to an immigrant visa or to adjustment of status. The assertion that it would be much easier for the petitioner to remain here than to return to Pakistan does not in any way show that the director erred in issuing the notice of intent to revoke. The statutory and regulatory language governing revocations does not include humanitarian provisions.

Prior counsel states that the petitioner "has begun to offer his expertise to interested military, national, and international institutions." Prior counsel continues:

> As [an] example of [the petitioner's] continued work in his area of expertise is his assistance to the National Democratic Institute for International Affairs (NDI). On February 12, 2002 members of NDI consulted with [the petitioner] and sought his assistance in helping to expand democracy in Pakistan. . . .
>
> After consulting with NDI, [the petitioner] has also began to volunteer his services to United States governmental entities in connection with the war on terrorism. On May 20, 2002 [the petitioner] offered his expertise in operations, intelligence, logistics and counter terrorism to the United States military in support of operations in Afghanistan and Pakistan. A copy of [the petitioner's] letter to General [redacted] is enclosed. [The petitioner] has also been in direct contact with General [redacted] of the Illinois National Guard and with several special agents of the FBI in connection with anti-terrorism activity in the United States. . . . [The petitioner] was selected as a finalist for the position of Director, United Nations Peacekeeping Forces and for the position of Advisor, USAID Mission Pakistan.

In his letter to Gen. [redacted] the petitioner describes his background, discusses the war in Afghanistan, and offers his "services . . . in any capacity you deem fit." The letter demonstrates the petitioner's sincere attachment to the United States, and his equally sincere desire to assist in military actions against al-Qaeda and its allies. The letter, however, does not serve as evidence of acclaim because sending a letter to Gen [redacted] is not a privilege reserved for the elite.

Regarding the petitioner's claimed selection as a finalist for the positions named above, the record contains letters from USAID and William Rainey Harper College but nothing from the United Nations. [redacted] Regional Contracting Officer for USAID, states "[t]hank you applicating [sic] for the position of Senior Education Advisor for USAID/Pakistan. Despite your impressive credentials and experience, I regret to inform you that you were not selected for the position." The letter does not state or imply that the petitioner was a "finalist" for the position. Lisa Tompkins, Employment Specialist at William Rainey Harper College, states: "[t]hank you for your response to our advertisement for the Dean, Liberal Arts position at Harper College. Your qualifications are impressive and we appreciate your interest. However, the selection committee has decided to extend their search and unfortunately your materials will not be considered further." Polite references to the petitioner's qualifications aside, these letters establish only that the petitioner has had difficulty securing employment.

Regarding the petitioner's work with NDI, the petitioner's response includes a letter from Operations Officer Faisal Sultan, stating:

> Furthermore to our telephone conversation, this serves to confirm your meeting with Makram Ouaiss Senior Program Officer [redacted] Program Officer and Tazreena Sajjad Program Assistant on 12th February [2002] at 1:00 pm at our offices.
>
> The agenda of discussion will be [the] current situation in Pakistan, upcoming general elections, Pakistan military's role in government and socio-economic development.
>
> On behalf of the National Democratic Institute for International Affairs, I take this opportunity to thank you for your time and helping us expand democracy worldwide.

The above letter demonstrates that the petitioner participated in a meeting with NDI officials but offers no other information to suggest a nationally or internationally significant role for the petitioner within that organization.

The director denied the petition, stating that the petitioner's response to the notice of intent to revoke failed to overcome the grounds stated in that notice.

On appeal, counsel states:

> Prior to issuing the approval, the INS had ample opportunity to review the documentation and to request additional evidence or information from our client. Rather than requesting additional evidence or information, or denying the petition outright, the INS determined that [the petitioner] had clearly established his eligibility and approved the petition. To reopen the petition and revoke it, after more than two years, without specific documentation or other evidence justifying

> a re-examination or review of the initial documentation, was unwarranted and placed an unfair and heavy burden on our client.

Section 205 of the Act, cited above, plainly states that an approval of an immigrant visa petition may be revoked "at any time" before the alien has adjusted status or, if obtaining an immigrant visa overseas, before the alien has commenced the journey to the United States. In *Matter of Ho*, *supra*, the Board held that revocation is justified if the director concludes that the initial petition had been approved in error.

Prior counsel's observation that the director had previously approved the petition is not an affirmative factor in the petitioner's favor. By definition, revocation can only occur after a petition has been approved. Therefore, the fact that this petition was approved prior to its revocation does not represent a deviation from law, precedent, or established policy. Similarly, counsel's observation that the director could have simply denied the petition instead of approving it applies equally to every revocation. The revocation of this petition did not exceed the director's authority.

With regard to prior counsel's implied argument that the approval of the petition set some sort of informal precedent by acknowledging the petitioner's eligibility, we note the director's assertion that a previous petition, containing virtually identical evidence, was denied before the current petition was filed. Therefore, if prior counsel seeks to have the approval of the petition taken into account, then it is equally relevant to consider that the very first decision ever rendered based on the evidence was a denial. Indeed, the denial of the petitioner's initial petition put the petitioner on notice as early as 1999 that the director did not consider the petitioner to be eligible for the classification sought.

For the above reasons, the director's authority to revoke the approval of the petition is firmly established. More relevant is prior counsel's response to the specified grounds for revocation.

Prior counsel reiterates that the petitioner met with NDI officials on February 12, 2002. This meeting shows that the petitioner remains active in his field of endeavor, but the petitioner has not shown that only the top figures in his field participate in such meetings. Prior counsel also repeats the earlier assertion that the petitioner has "volunteered his services to United States governmental entities in connection with the war on terrorism." The petitioner submits a copy of [redacted] reply to the petitioner's letter (referenced above). Prior counsel states that this letter "document[s the petitioner's] expertise and lay[s] the foundation for his potential involvement in the ongoing war on terrorism." In his letter to the petitioner, Gen [redacted] thanks the petitioner for his "generous offer to help in our cause" and states "[o]ur nation is lucky to have such a distinguished Pakistani immigrant as yourself; you represent what our country is all about." Gen. [redacted] also states, however, "I'm unaware of a direct role for you to play at this time," although he has directed his subordinates to contact the petitioner "[s]hould an opportunity present itself." Despite this polite rejection of the petitioner's offer, prior counsel maintains that the letter demonstrates that the petitioner "continues to be the subject of national and international acclaim."

Another letter submitted on appeal is from FBI Special Agent [redacted] stating:

> During December, 2001, I initiated a continuing dialogue with [the petitioner] based upon his background and prior experience within Pakistan. [The petitioner] immediately agreed to assist me and has since drawn upon his extensive expertise in Pakistani military and political affairs, as well as his personal relationships with many senior members of the Pakistani elite, to provide information beneficial to the national security of the United States. In this capacity, [the petitioner] has directly and substantially been of assistance to the FBI. I believe that he can make a valuable contribution to the future security of the United States and, accordingly, is worthy of additional consideration by your office.

This letter, like other evidence submitted on appeal, shows that the petitioner continues to play a role in his field, but continued activity in one's field is not the same as sustained acclaim in that field. While the information that the petitioner provides is, without a doubt, of value to the U.S. intelligence community, providing intelligence to an intelligence-gathering agency does not automatically place one at the top of one's field.

Counsel states that the petitioner has "[r]ecently . . . begun to use his expertise in military affairs to assist commercial businesses in the United States." A letter from [redacted] Vice President and Secretary of Oshkosh Truck Corporation, indicates that the petitioner is a consultant for the company, "promoting Oshkosh Model HET, HEMTT, MTVR, PLS and LHS vehicles in the Islamic Republic of Pakistan and the People's Republic of Bangladesh." As with much of the other evidence, it is not clear how serving as a consultant for a private company demonstrates sustained acclaim in the field of military science. The petitioner's work as a consultant, promoting Oshkosh trucks in Pakistan, does not appear to be entirely consistent with prior counsel's unsubstantiated contention that the petitioner's departure from Pakistan has "received unfavorable attention" from Oshkosh's prospective client, the Pakistani military. If the petitioner's rapport with Pakistan's Army has indeed suffered as a result of his emigration, he would appear to be a poor choice to represent a company seeking to do business with that army.

The record indicates that the petitioner enjoyed a very successful military career. Following his retirement, while the petitioner has attempted to remain active in international affairs, the record does not persuasively demonstrate that the petitioner has consistently earned recognition as one of the top figures in his field at a national or international level. The petitioner's documented efforts to contribute to public and private entities in the United States have met with minimal success. In sum, the record supports the director's finding that the petitioner has not sustained a sufficient level of national or international acclaim. Given this finding, it follows that the approval of the petition had been erroneous and therefore the director was justified in revoking its approval.

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 the petitioner has distinguished himself as a military science specialist 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 eligibility pursuant to section 203(b)(1)(A) of the Act and the petition may not be approved.

Upon review, the petitioner has been unable to present sufficient evidence to overcome the findings of the director in the decision to revoke the approval of the petition. 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 continues to bear the burden of proof in revocation proceedings. *Matter of Ho*, *supra* at 589; *Matter of Cheung*, 12 I&N Dec. 715 (BIA 1968); *see also Tongatapu Woodcraft of Hawaii, Ltd. v. Feldman*, 736 F.2d 1305 (9th Cir. 1984). Here, the petitioner has not sustained that burden. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.