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: LIN 01 170 54752 Office: Nebraska Service Center Date: FEB 27 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)

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

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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.

Elizabeth Hayward
for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment based immigrant visa petition was denied by the Director, Nebraska Service Center. The petitioner filed an appeal, which the director deemed to be untimely. The director considered the appeal as a motion to reopen and affirmed his denial of the petition. The matter is now before the Administrative Appeals Office 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 he has sustained national or international acclaim at the very top level.

This petition, filed on April 20, 2001, seeks to classify the petitioner as an alien with extraordinary ability as a mechanical engineer. The petitioner received his Ph.D. in mechanical engineering from Florida International University on August 15, 2000. At the time of filing, the petitioner was employed as a mechanical engineer for Crown International, Inc. 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, 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 submitted his educational degrees under this criterion. University study is not a field of endeavor, but, rather, training for future employment in a field of endeavor. Awards or degrees based on educational achievement at a given university are institutional or local in nature and do not constitute nationally or internationally recognized "awards for excellence in the field of endeavor." An advanced degree may indicate that the petitioner has fulfilled certain academic requirements at a given university, but it offers no meaningful comparison between the petitioner and more experienced professionals in the field of mechanical engineering who have long since completed their educational training. The petitioner offered no evidence of any prizes or awards that have garnered him national or international acclaim.

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.

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 evaluates 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 would not satisfy this criterion, because the issue here is membership requirements rather than the association's overall reputation.

The petitioner submitted his membership cards for the American Society of Mechanical Engineers (Associate Member), the International Microelectronics and Packaging Society, the Society of Manufacturing Engineers, the Institute of Rail Transport in India, the Indian Association of College Going Scientists, and the Engineering Society for Advancing Mobility: Land, Sea, Air and Space (Student Member). In addressing this evidence, the director's decision stated: "...such memberships appear commensurate with the petitioner's vocation. The petitioner has not established that membership is limited to only those with outstanding achievements in the field." We concur with the director noting that the record does not reflect that these organizations require outstanding achievements for their members in the same manner as highly exclusive

associations such as (for example) the U.S. National Academy of Sciences.

According to the web site of the American Society of Mechanical Engineers at *www.asme.org*, their organization has over 125,000 members. Regular membership in the ASME is subject to the following requirements:

> Requires attainments equal to eight years of active practice in the profession of engineering or teaching. Attainment of a degree in an approved engineering curriculum or a baccalaureate degree in an approved engineering technology curriculum shall be accepted as equivalent to the eight-year experience requirement.

Thus, an individual could become a member of ASME simply by virtue of possessing a bachelor's degree in engineering.

The petitioner also submitted a letter from [redacted] Chairman of the Miami Section, ASME, stating that the petitioner served as Secretary of the Miami Chapter of ASME from 1998 to 2000. The petitioner's duties involved "organizing the distribution of newsletters and helping in organizing conducted tours" for the Miami Chapter. We note here that the petitioner was elected to serve by local members of the Miami Chapter of ASME. It has not been shown that the petitioner served as an officer at the national or international level or that his selection was a result of his outstanding achievement in the engineering field, as judged by nationally recognized experts.

In sum, the petitioner has offered no evidence showing that his memberships required outstanding achievement in engineering or that he was judged by national or international experts in consideration of his membership.

> *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 a newsletter from the local chapter (Indiana) of the American Society of Mechanical Engineers ("ASME"). The newsletter from the St. Joseph Valley Section of the ASME lists the petitioner as secretary of the local chapter. Simply having one's name appear in a local newsletter hardly qualifies as being featured in the major media. We note here that the newsletter was printed in September 2001. *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. In this case, the petitioner has offered no evidence to show that he has attracted the sustained attention of the national press or major media.

> *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 an instructor, teacher, professor or editor, simply performing one's job related duties demonstrates competency, and is not evidence of national or international acclaim.[1] Instead, a petitioner must demonstrate that his sustained national or international acclaim resulted in his selection to serve as a judge of the work of others in his field. Similarly, the judging must be on a national or international level and involve other accomplished professionals in the research field. For example, evaluating tenured research professors for receipt of a national award carries greater weight than evaluating university students.

The petitioner submitted a letter [redacted] Director, ASME Southern Region Office. In describing the petitioner's duties as Secretary for the Miami Section of ASME, [redacted] states: "As part of the society's activities, [the petitioner] had the responsibility of judiciously evaluating and inviting qualified speakers based on their engineering work experience and expertise for technical presentations and meetings." Other than this single statement from [redacted] the petitioner offers no further evidence or information regarding his participation as a judge of the work of others. Section 203(b)(1)(A)(i) of the Act, however, requires extensive documentation of sustained national or international acclaim. Simply "evaluating and inviting qualified speakers" for meetings and presentations of the Miami Chapter of the ASME appear to be duties typically expected of a local ASME chapter secretary and are inherent to the petitioner's position. The petitioner offers no evidence that he judged the work of others at the national or international level or that he was selected as a judge based on his national or international notoriety.

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

The petitioner provided several witness letters discussing his engineering contributions. [redacted] is the Modeling, Simulation, and Visualization Program Manager for the Hemispheric Center for Environmental Technology ("HCET") at Florida International University ("FIU") and also served as a committee member for the petitioner's Ph.D. thesis [redacted] states:

> [The petitioner] was hired by HCET in March 1996 during the early stages of the inception of the center as a Research Assistant. I have guided him on his Department of Energy funded projects of Melting, Solidification, and Separation of Steel from Hazardous Vitreous Waste...
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> * * *
>
> There has been a predominant need for recycling the valuable metal content from the hazardous and mixed nuclear waste generated as a result of the Cold War... [The petitioner] conducted low temperature simulation studies on nuclear waste separation and conducted

[1] This is true with all duties inherent to an occupation. For example, publication is inherent to researchers. Thus, the mere publication of scholarly articles cannot demonstrate national acclaim. The petitioner must demonstrate that the articles have garnered national attention, for example, by being widely cited.

> high temperature experiments for molten metal separation… He had invented and proposed the use of the Centrifugal Fluid Separation number and Thermal Separation number for explaining the separation phenomena. He worked diligently towards the development of the Differential Centrifugal Separation Technology to enable the recycling of steel from mixtures of hazardous nuclear waste. The propositions and research results by [the petitioner] lead to the award of his Ph.D. degree…

[redacted] is the Characterization, Monitoring and Sensor Technologies Program Manager, HCET, FIU and was the petitioner's immediate supervisor and Ph.D. committee member. [redacted] states:

> The research of [the petitioner] could be a contributing factor towards the goal of reducing costs through better use of technology. On the recycling project he used his knowledge of thermal science and engineering, work expertise on applying analytical tools and understanding of fundamental mechanisms towards development of the Differential Centrifugal Separation Technology, used for separating steel from mixtures of vitreous nuclear waste. The specialized findings of [the petitioner] for the Thermal Separation Number limit of 1700 has put forth a new aspect that should if verified in pilot-scale testing, cause many policy makers in the government and business leaders in the waste management field rethink their strategies for recycling metals. A couple of patents are pending invention disclosure for the centrifugal separation systems developed during the initial stages of separation of waste.

We note here that anyone may file a patent application with the United States Patent and Trademark Office, regardless of whether the invention constitutes a contribution of major significance. The mere filing of a patent application, therefore, would not suffice to satisfy this highly restrictive criterion. The petitioner must show that his idea or invention has captured significant attention from independent experts throughout the scientific community.

[redacted] Associate Professor and Chairperson, Mechanical and Chemical Engineering Department, FIU, states that the petitioner's "thesis dissertation on recycling steel spearheaded the development of the 1700 thermal separation number limit as a separation criteria." [redacted] adds: "This finding, if augmented by further testing in the future, might prove to be crucial in the way metals are recycled not only by the Department of Energy, but also in other industrial facilities."

None of the above witnesses indicate that the petitioner's Differential Centrifugal Separation Technology was ever verified in pilot-scale testing, recommended for use by the Department of Energy, or actually utilized throughout the industry resulting in significant cost savings.

[redacted] Associate Professor and Director, FIU Biomedical Engineering Institute, taught courses taken by the petitioner and served on the petitioner's Ph.D. committee [redacted] states that, during one of his courses, the petitioner "conceptualized and proposed equations for an instrument to measure pain [the petitioner] referred to as the Dardometer." [redacted]

[redacted] adds: "This equipment, if realized in the near future, may prove to aid medical diagnosis significantly." We note, however, that neither the petitioner nor [redacted] have offered any evidence indicating that the Dardometer was ever patented, utilized on patients successfully, or viewed as a significant advance by those in the medical field.

[redacted] supervised the petitioner on system projects when they were both working for India's Armament Research and Development Establishment ("ARDE") during the early 1990s. [redacted] states:

> Besides working on design of delivery and energy absorption systems, [the petitioner] would write software code for computing and analyzing design and experimental results. His contributions had led to the introduction of several stores to defense forces. Also, he was credited with the development of a classified penetration code of interest to armor designers... Another critical application where his originality and creativity bears witness is in the specialized thermal insulating shields used on tanks and field artillery for substantially enhancing their accuracy and consistency... [The petitioner's] contributions have found way toward several civilian commercial applications such as polycarbonate sealing rings for pressure vessels.

The petitioner, however, has not submitted any evidence showing how his efforts have impacted the field beyond benefiting his employing institution. The record fails to demonstrate that the petitioner's efforts related to India's defense industry and polycarbonate sealing rings have been widely recognized as being significant contributions in the engineering field.

The petitioner also submitted a letter from [redacted] Principal, Singhgad College of Engineering [redacted] served as the petitioner's master's thesis advisor. [redacted] states:

> [The petitioner] worked on characterizing and measuring the accuracy of solar concentrators by using ray trace method. This included both theoretical and experimental work on a 6 foot aperture and 20 foot wide parabolic trough solar concentrator. This work formed part of his master's thesis besides generating two publications which created the foundation for a couple of patents being generated in Industry. One of them was the introduction of the receiver geometry with the maximum possible heat transfer and the other was the introduction of integrated software code called "Soltherm." These enabled the introduction of several manufacturing challenges for Industries to build patented and propriety thermal receivers of a computer generated geometry capable of producing high concentration ratio on every segment of the receiver.

[redacted] notes that the petitioner's master's thesis generated two publications. Publication, by itself, is not a strong indication of impact in one's field, because the act of publishing an article does not compel others to read it or absorb its influence. Yet publication can nevertheless provide a very persuasive and credible avenue for establishing outside reaction to the petitioner's work. If a given article in a prestigious journal (such as the *Proceedings of the*

National Academy of Sciences of the U.S.A.) attracts the attention of other researchers, those researchers will cite the source article in their own published work. Numerous outside citations provide firm evidence that other researchers have been influenced by the petitioner's work and are familiar with it. Few or no citations of an alien's work suggests that that work has gone largely unnoticed; it is therefore reasonable to question how widely that alien's work is viewed as being noteworthy. The petitioner offers no evidence that his publications have been heavily cited or that his work has garnered significant attention from throughout the greater scientific community.

[redacted] states that the petitioner's publications "created foundation for a couple of patents being generated in the Industry." The record, however, contains no first-hand evidence of the approved patents showing the petitioner as being the primary inventor.

In response to the director's request for evidence, the petitioner submitted evidence of a patent application for a "Latero Vertical Impact Resistant Fan Mounting." However, the petitioner offered no evidence showing that the patent application was actually approved by the United States Patent and Trademark Office.

On appeal, the petitioner submits evidence of a patent application for a Fan Noise Isolation System and its accompanying postal receipt dated November 30, 2001. This evidence came into existence subsequent to the petition's filing. *See Matter of Katigbak, supra.*

Even if the record did contain direct evidence of an approved patent, the granting of a patent documents only that an innovation is original. Not every patented invention or innovation constitutes a contribution of major significance in one's field. More important is the reaction to those patents from the industry and the engineering field.

The petitioner's response to the director's request for evidence also included additional witness letters from [redacted] who worked as an engineer at FIU from 1998 to 2001, and [redacted] Product Design Engineer, Ford Motor Company. Their letters contain the following identical passages, including the same irregular punctuation and incorrect spelling of "byproducts":

> There is a significant potential for using recycled steel within the U.S. from by products [sic] of the dismantling processes from several industrial and federal sources. Recycling of steels from contaminated sources is a great technological challenge. Different technologies are becoming increasingly necessary to purify and recycle steel.
>
> [redacted] has presented a technological breakthrough for the nuclear hazardous steel recycling technology. [The petitioner's] criteria for the "thermal separation number limit of 1700 ", [sic] is becoming increasingly popular for determining the purity of recycling contaminated steel. A challenging concept to conceive and implement, he proposed the plunger and hollow crucible mechanism which when integrated forms the process for separation of contaminants from reusable steel.

> Besides working on the focused areas of hazardous nuclear waste management, [the petitioner] has led innovative pioneering work on development of several visionary technologies. He has had sustained acclaim in developments for solar receiver designs, thermal and vibration management, and product engineering technologies. He is spearheading efforts of national importance for advancements in innovations in applied mechanical engineering by actively promoting work through societies such as the American Society of Mechanical Engineers.
>
> [The petitioner] is an expert in the area of mechanical engineering and is well on his way to the very top of the field. In my opinion, his continued work would make significant additional contributions that would benefit this country's national security, economic stability and environmental programs. I highly commend [the petitioner]...

It is not clear who is the actual author of these common paragraphs, but it is highly improbable that [redacted] independently formulated the exact same wording. It is acknowledged that these individuals have lent their support to this petition, but it remains that at least one of these individuals did not independently choose the wording of his letter, thus detracting from the evidentiary value.

[redacted] Center for Environmental Science and Technology, states:

> I came across [the petitioner's] work focusing on environmental hazardous waste management through the Decontamination and Decommissioning Conference proceedings conducted under the auspices of the U.S. Department of Defense and the U.S. Department of Energy. His work has a great impact on industry. The petitioner has given several presentations on engineering methods for a cleaner and safer environment. His work on metal recycling technologies is also well known.

[redacted] letter is extremely vague and offers no specific information about the petitioner's contributions of major significance in the engineering field. The record contains no evidence that the presentation of one's work is a rarity in petitioner's field, nor does the record sufficiently demonstrate that independent engineering researchers have heavily cited or relied upon the petitioner's findings in their research.

Section 203(b)(1)(A)(i) of the Act requires extensive documentation of sustained national or international acclaim. The opinions of experts in the field, while not without weight, cannot form the cornerstone of a successful claim. We note here that the majority of the individuals offering letters of support have direct ties to the petitioner. Letters from those close to the petitioner certainly have value, for it is those individuals who have the most direct knowledge of the petitioner's specific contributions to a given research project. It remains, however, that these individuals became aware of the petitioner's work because of their close contact with the petitioner; their statements do not show, first-hand, that the petitioner's work is attracting attention on its own merits, as would be expected with research findings that are especially significant.

Clearly, the petitioner's former supervisors and collaborators have a high opinion of the petitioner and his work, as do other individuals who know the petitioner from encounters at professional conferences. The petitioner's findings, however, do not appear to have yet had a measurable influence in the larger field. While numerous witnesses discuss the potential applications of his engineering research, there is no indication that these applications have yet been realized. The petitioner's work has added to the overall body of knowledge in his field, but this is the goal of all such research; the assertion that the petitioner's findings may eventually have practical applications does not persuasively distinguish the petitioner from other competent engineering researchers. Therefore, we concur with the director's finding that the petitioner's evidence fails to satisfy this criterion.

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

We disagree with the director's finding that the petitioner satisfies this criterion. The petitioner submitted a listing of his research reports and articles, but there is no evidence reflecting that any of these works were published in "professional or major trade publications or other major media."

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," rather than a mark of distinction, among postdoctoral researchers. 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. When judging the influence and impact that the petitioner's work has had, the very act of publication is not as reliable a gauge as is the citation history of the published works. Publication alone may serve as evidence of originality, but it is difficult to conclude that a published article is important or influential if there is little evidence that other researchers have relied upon the petitioner's conclusions. Frequent citation by independent researchers demonstrates more widespread interest in, and reliance on, the petitioner's work. The petitioner in this case offered no evidence showing that his work was published in the major media or heavily cited by independent engineering researchers.

The petitioner submits evidence of a poem appearing in The Rustling Leaves, a book published by the National Library of Poetry of Owings Mills, Maryland in 1998. The petitioner's name appears in this book that includes a listing of over one thousand other authors who submitted works for publication in The Rustling Leaves. We note here that a poem is not a scholarly article and it has not been shown that publications generated by the National Library of Poetry qualify as major media.

The petitioner in this case seeks employment as a mechanical engineer, not as a poet. According to the statutory requirement at section 203(b)(1)(A)(ii) of the Act, the petitioner must show that he "seeks to enter the United States to continue work in the area of extraordinary ability." The record contains no evidence showing that the petitioner has ever worked as a poet and no evidence to suggest that poetry would be his primary means of support.

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

The petitioner asserts that his poem published in The Rustling Leaves also satisfies this criterion. The wording of this criterion, however, strongly suggests that it is intended for visual artists, such as sculptors and painters, rather than for poets. It is again noted that the petitioner in this case seeks employment as a mechanical engineer, not as a poet. Even if we were to consider his published poem, the petitioner has not shown that his poem enjoyed national acclaim or that publication by the National Library of Poetry is a privilege extended only to top poets.

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 the alien performed in a leading or critical role for an organization or establishment with a distinguished reputation, a petitioner must establish the nature of his role within the entire organization or establishment and the reputation of the organization or establishment. Where an alien has a leading or critical role for a section of a distinguished organization or establishment, the petitioner must establish the reputation of that section independent of the organization as a whole.

The petitioner indicates that the witness letters from FIU faculty members and a retired scientist from ARDE satisfy this criterion. We note, however, that the petitioner was a Ph.D. student at FIU, most often working under the supervision of others. A simple review of the qualifications of the individuals on the FIU faculty who submitted letters shows that their roles and responsibilities far exceeded those of the petitioner. A review of the documentation provided reveals little or no evidence to establish that the petitioner ever supervised other individuals at FIU-HCET or ARDE. Furthermore, the record does not indicate that the petitioner consistently exercised substantial control over organizational decisions in the same manner as his research supervisors at FIU and ARD. Finally, the burden is on the petitioner to establish that ARDE and HCET are organizations with distinguished reputations. The petitioner has not provided documentary evidence showing that these organizations have distinguished reputations when compared to other engineering research institutions. We note here that, according to [redacted] was not established until 1995.

On appeal, the petitioner refers to a certificate issued by the Headmistress of St. Mira's English Medium School in 1985. The certificate states that the petitioner "was the Head boy in boy's section" at age 15. The petitioner states: "A Head boy is elected from a large population of the school system. This position required not only academic brilliance but also leadership skills to be elected from such a large school population... This is direct evidence of extraordinary ability..."

We note, however, that while the petitioner may have excelled as a young student, his accomplishments were not related to the field of mechanical engineering.

The petitioner also refers to evidence indicating that he served as a secretary for local chapters of the ASME in Florida and Indiana. While the petitioner may have influenced some local activities, his impact on the entire organization appears negligible. The petitioner's involvement with ASME at the local, rather than the national or international level thus fails to satisfy this criterion.

In sum, we find that the petitioner's evidence falls short of establishing that he performed in a leading or critical role for FIU-HCET, ARDE, or ASME, or that his involvement attracted sustained national or international attention.

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

The petitioner submitted two letters from Crown International, Inc. indicating that he earned a salary of $55,000 in the year 2000, but the petitioner has not shown that this salary is significantly higher than that of other mechanical engineers. The plain wording of the criterion requires the evidence of a high salary "in relation to others in the field."

The fundamental nature of this highly restrictive visa classification demands comparison between the petitioner and others in the field. The regulatory criteria describe types of evidence that the petitioner may submit, but it does not follow that every researcher who has applied for a patent, or who has earned the respect of his colleagues, 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 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 in this case has failed to demonstrate 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.

Review of the record does not establish that the petitioner has distinguished himself as a mechanical engineer 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 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.