

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 28 2004

IN RE:

Petitioner:



Beneficiary:

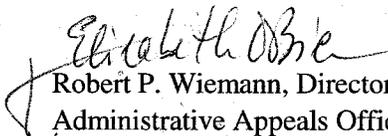
PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment based immigrant visa petition was denied by the Director, California Service Center, and is now before the 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 field of expertise are set forth in the 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 earned sustained national or international acclaim at the very top level.

This petition, filed on December 24, 2002, seeks to classify the petitioner as an alien with extraordinary ability as a materials scientist. At the time of filing, the petitioner was working as a Senior Research Associate at the Institute for Shock Physics at Washington State University.

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, 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.

We note here that the petitioner attended Pennsylvania State University (PSU) where he received a Master of Science degree in Materials in 1997. After graduation, the petitioner continued official collaboration with PSU's Materials Research Laboratory.

The petitioner submitted a certificate stating: [REDACTED] Materials Research Laboratory celebrates this day, August 29, 1999...by incorporating [the petitioner] into its family of MRL Distinguished Alumni."

Also submitted was a letter from [REDACTED] and Scholars, PSU, stating:

This is to inform you that [the petitioner] was awarded four international achievement awards during 1996-1999 by the Office of International Students and Scholars, PSU, "In grateful acknowledgement of exceptional efforts in furthering international understanding at PSU..." This award is designed to recognize volunteers who contribute significantly to the advancement of the international mission of the University.

The petitioner's awards from PSU are reflective of institutional, rather than national or international, recognition.

The record also contains evidence showing that the petitioner was awarded an academic scholarship from the Indian Government's Ministry of Welfare in 1994 to attend PSU. A university scholarship, however, does not constitute qualifying evidence under this criterion. Scholarships, by nature, represent financial assistance and are presented not to established researchers with active professional careers, but, rather, to students pursuing further training and education. Graduate study is not a field of endeavor and therefore we cannot artificially restrict the petitioner's field to exclude all those researchers who have finished their education and therefore do not compete for graduate scholarships. We are not persuaded that obtaining financial support for one's academic studies is a rare mark of acclaim or extraordinary ability.

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. Counsel initially argued that cited references to articles co-authored by the petitioner would satisfy this criterion. Articles which cite the petitioner's work are primarily about the author's own work, not the petitioner's work. As such, they cannot be considered qualifying published material about the petitioner's work. We cannot ignore that the articles citing the petitioner's work similarly referenced scores of other authors. In the petitioner's field, it is the nature of research work to build upon work that has gone before. In

some instances, prior work is expanded upon or supported. In other instances, prior work is superseded by the findings in current research work. In either case, the current researcher normally cites the work of the prior researchers. Clearly this is not the same thing as published material written about an individual's work in the field. This type of material does not discuss the merits of an individual's work, the individual's standing in the field, or any significant impact that his or her work has had on work in the field. Citations of the petitioner's work will be addressed under a separate criterion.

Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought.

We withdraw the director's finding that the petitioner's evidence satisfies this criterion.

The record contains evidence showing that, as of the petition's filing date, the petitioner had reviewed a total of four manuscripts for publication in *Thin Solid Films*. Also submitted was a letter requesting that the petitioner review four manuscripts for the 2nd Asian Meeting on Ferroelectrics (1998). We note here that peer review of manuscripts is a routine element of the process by which articles are selected for scientific conferences or for publication in scholarly journals. Occasional participation in peer review of this kind does not automatically demonstrate that the petitioner has earned sustained national or international acclaim at the very top of his field. Without evidence that sets the petitioner apart from others in his field, such as evidence that he has reviewed an unusually large number of articles, received independent requests from a substantial number of journals or conference committees, or served in an editorial position for distinguished journals (in the same manner as [redacted] for example), we cannot conclude that he meets this criterion.

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 in support of the petition.

[redacted] PSU, states that he supervised the petitioner's graduate research at PS [redacted] further states:

The field of "Nanocomposite Processing" is a frontier area in ceramics and in particular in electroceramic processing. Considering the significant costs involved in modern industrial processes, it is imperative that scientific approaches be developed to provide suitable processing routes for cheaper, better and greener processing of materials for U.S. electroceramic industry. The Materials Research Institute at the Pennsylvania State University is unique in its approach to this situation and has been a forerunner in the innovation of Materials Science to provide solutions for ceramic industry.

In his contribution to the materials research at Penn State, [the petitioner] was involved in the development of new Nanocomposite Process – a cost effective alternative for manufacturing electroceramics, which are the bread and butter of billion-dollar electronic industries worldwide. These electroceramics have wide range of applications such as piezoelectric transducers, capacitors, resistors, actuators, thermistors, switches, wave-guides and various other devices. He has also done the sintering;

densification studies and evaluated electrical properties of the materials prepared by the above method. This new processing technique is expected to be a very useful processing method for the research and industrial communities around the world that deal with the electroceramic processing.

[The petitioner] also made a systematic study of the preparation of electroceramic powders by the low temperature hydrothermal processing technique. In this project he has successfully synthesized well-known electroceramics such as barium titanate [BaTiO₃] and Pb(Zr_{0.52}Ti_{0.48})O₃ [PZT] fine powders at temperatures well below 200°C. Considering the number of problems associated with the conventional ceramic processing, such as high energy consumption, environmental concerns due to release of lead vapors etc., the hydrothermal process is ideally suited for lead containing electroceramics.

There has been a considerable debate recently about the contribution of sol-gel technology to fabricate crack free, highly [100] oriented, low cost thick films on Silicon substrates for a number of projects related to Microsystems which are under development in the US, Europe and Japan. Microsystems are devices and small machines based on microtechnologies, which combine mechanical, chemical, physical and electronic functions. These are usually produced using mass production techniques including micromachining, photolithography, *thin-film techniques* and micro molding, many of which originate from silicon technology. These Microsystems have wide range of commercial applications in biomedical, manufacturing; information processing and automotive fields. The major products integrating microsystem technologies are disposable invasive blood pressure sensors, pressure sensors for automotive air pressure, accelerometers for airbag systems, ink-jet heads for printers, read/write heads for magnetic hard disk drive and so on.... IMRE [Institute of Materials Research and Engineering], Singapore, has entrusted the Materials Research Institute at the [redacted] to develop a cost-effective and energy-efficient process for PZT thick films on Silicon substrate for micropump application.

As part of the above research program [the petitioner] conducted a detailed study on the fabrication of highly oriented PZT thick films. He has developed sol-gel technology for the fabrication of [100] oriented, crack free PZT thick films on silicon substrates for micropump to be used in drug delivery systems like disposable piezoelectric micropump. For instance, diabetes patients need a small pump that can administer a certain dose of insulin at a prescribed rate. Development of sol-gel technology for these PZT films and other information obtained in this research, helped to (a) identify combinations of chemical and processing requirements of thin/thick films that will lead to improved electrical properties and (b) recommend potential improvements to thin/thick film specifications. A final report that documents the entire research effort has been submitted to IMRE, Singapore and Omron Corporation, Japan.

[The petitioner's] involvement in the above various scientific projects have given him thorough understanding of materials chemistry and their characterization. Our joint papers in various refereed journals are evidence to the pioneering nature of our research. The data generated through this research has opened up an entirely new approach in electroceramic materials processing and piezoelectric thin/thick films in particular.

* * *

I consider that the knowledge and experiences gained by [the petitioner] in materials processing techniques through various projects and the materials science curriculum at the Materials Research Institute and elsewhere are an invaluable asset to any research organization or industry.

Recently [the petitioner] moved to [the] Institute for Shock Physics at Washington State University, Pullman and started working on bulk amorphous alloys for military, sports and medical applications. I understand that in his new assignment, he has successfully initiated a materials science approach to characterize these materials and to look into shock wave effects.

[redacted] describes the petitioner's contribution to research at PSU under the direction of others, but it does not state that the petitioner is nationally or internationally acclaimed for his work.

[redacted] Electrical Engineering, Materials Research Laboratory, PSU, states that the petitioner worked under his supervision at PSU "for a couple of years." [redacted] further states:

[The petitioner] has...made himself [an] expert [in] Sol-Gel technology - a versatile technique for the processing of nanophase powders, ceramics, fibers, thin/thick films and ceramic coatings. As a Visiting Research Associate from IMRE, Singapore, [the petitioner] has worked on a collaborative project from Singapore with [redacted] Japan. The main objective of this project was to develop piezoelectric thick film for micropumps for drug delivery systems like the disposable piezoelectric micropump.... As a part of this international research program, [the petitioner] developed a sol-gel technique for the fabrication of highly [100] oriented, crack free PZT thick films on silicon substrates for microelectro mechanical systems (MEMS).

During recent years the minimal invasive surgery has been developed drastically. This new method of clinical surgery such as laparoscopic surgery enables patients to minimize damage through the operation. Further, the remote telepresence surgery system that will make rapid progress in the near future should need more precise and dexterous manipulation devices with realistic sensory input. In order to achieve these surgery systems, the development of new type medical instruments using MEMS technology is required. Instruments for minimal invasive surgery will integrate Microsystems (ultrasound transducer, pressure sensor, microactuators and so on) in 5 to 10 years in the United States. [The petitioner's] academic background and expertise in fabricating high performance ferroelectric thick films to create miniature medical devices to merge integrated sensors and microactuators has uniquely prepared him for his current contributions to the medical devices.

* * *

[The petitioner] has also developed sol-gel technology for bulk and thin film photostrictive actuators in particular lanthanum doped PZT (PLZT). Photostrictive actuators, which directly convert photonic energy to mechanical motion, have recently been the focus of much attention for their potential applications in microactuation and microsensing. Also, these materials have the ability to convert light

[REDACTED]

directly to physical movement. Materials exhibiting photostrictive effects are of interest for their potential usage as wireless photo-driven actuators, relays and micro-robots. These materials are also promising for photo-acoustic devices (e.g. photophones) of optical communications systems. In his joint research with my group [the petitioner] was actively involved in designing photostrictive device, which is to be a prototype for new class of optical micro actuators. This device is small in size, inexpensive and having the ability to sense and get actuated itself [sic].

[REDACTED] Institute for Shock Physics [REDACTED] states that he met the petitioner [REDACTED] in 1997 and now works with him at WSU. [REDACTED] further states:

At present at [REDACTED] [the petitioner] is actively involved in the deformation and characterization studies of bulk amorphous alloys. In 1995, scientists showed that the inclusion of amorphous alloy into a wide range of military products may significantly enhance the performance and safety levels of these products. The initial military product identified was the Kinetic Energy Penetrator (KEP), the most effective armor piercing ammunition used by the military.... Besides military applications these bulk amorphous alloys have great demand in the space projects.... Also, these alloys have a wide range of applications in industrial coatings, electronic castings, medical devices, etc. [The petitioner's] skills are necessary in this ongoing project on bulk amorphous alloys to understand crystallization behavior and phase change through carefully planned experiments.

[REDACTED] states that he has known the petitioner for five years and that the petitioner attended meetings at his company's manufacturing plant in 1999. [REDACTED] states:

[The petitioner's] expertise is in the area of piezoelectrics [and] is directly related to our research and manufacturing. His competence is confirmed by the fact that he has worked at such a prestigious institution such as Materials Research Laboratory at the [REDACTED] about five and half years.

At [REDACTED] [the petitioner] has developed a new nanocomposite process for the preparation of electroceramics. It has been demonstrated for the first time that electrical ceramics prepared from this new approach are far better in terms of desired electrical properties than that of those prepared by conventional techniques. The main advantages of this process are to eliminate time and energy consuming calcination and grinding steps thus it reduces the process cost to the manufacturer. Besides, the undesired impurities that can be introduced through calcination and grinding steps can totally be eliminated. [The petitioner] has demonstrated this process by preparing the well-known electroceramics such as lead zirconate titanate (PZT), barium titanate (BT), magnesium titanate, lead magnesium niobate (PMN) and other PMN-based materials. These electroceramics have wide range of applications in the manufacture of products such as thermistors, dielectric and multi-layer ceramic capacitors, hydrophones and cover wide ranging industries including aerospace, defense, medical and industrial sectors. [The petitioner] has also successfully applied this process for the synthesis of materials that exhibit the photostrictive effect (e.g., lanthanum doped lead zirconate titanate - PLZT) which are the

focus of attention for their potential usage as wireless photodriven actuators, relays, and microrobots. [The] United States is a world leader in the production of these electroceramics based on billion dollar revenues.

Additional letters from [redacted] and Dinesh Agrawal of PSU repeat the assertions of the previous witnesses, as do letters from [redacted] of the German Aerospace Center's Institute for Materials Research, who collaborated with the petitioner at PSU in 1998, and [redacted] Executive Director, Fraunhofer-IBMT Technology Center Hialeah. It is noted that [redacted] served as a research associate and assistant professor at PSU and still holds a faculty position there.

Many of the letters provided in support of the petition contain identical passages. For example, the paragraph that we cite from the second page of [redacted] letter beginning with the sentence "[The petitioner] has also developed sol-gel technology for bulk and thin film photostrictive actuators..." is identical to the second paragraph on page three of [redacted] letter. While the witnesses, in signing their letters, are clearly supportive of the petitioner, it appears that, based on the frequent occurrence of identical passages, some of them did not independently formulate portions of their own letters, thus detracting from the weight of the evidence.

[redacted] Associate Professor, IMRE, National University of Singapore, where the petitioner worked as a research scientist from 1998 to 2001, asserts that the petitioner "has been publishing strongly in international journals in his area." Published work falls under another criterion; to satisfy this criterion, the petitioner must show not only that his work was published, but that it has major significance in the field. It is apparent that any journal article, in order to be accepted for publication, must offer new and useful information to the pool of knowledge. It does not follow that every researcher whose work is accepted for publication has made a major contribution in his particular field. The record contains no evidence showing that the publication of one's work is unusual in the petitioner's field, nor does the record demonstrate that independent researchers have heavily cited the petitioner's work in their research. While the petitioner has submitted evidence showing that some of his published articles have garnered a few independent citations, it has not been shown that those findings constitute a major contribution in the materials science field. For example, the citation indices presented show that the greatest number of times that one of the petitioner's published articles has been cited is seven times. Three of those seven citations, however, were self-citations. We will further address the petitioner's published works under a separate criterion.

The director's decision stated:

Evidence of the petitioner's original contributions is in the form of letters from individuals whom, for the most part, have either worked with, or instructed the self-petitioner throughout his career. These individuals do not necessarily offer an unbiased opinion regarding the petitioner's contributions to the field. What is notable, is that the record lacks evidence to corroborate the significance of the petitioner's scientific contributions with regard to [their] originality, contribution to materials science, and how [they] set the petitioner apart individually as being internationally [or nationally] recognized...

On appeal, counsel protests the director's finding stating:

While some of the experts may have worked with the applicant, their personal acquaintance does not necessarily mean that they are biased or that they will render an opinion that is not true. On the other hand, they will not be able to have an opinion of the applicant or the significance of his work if they were not themselves within the same scientific field and have had some opportunity to critique the [petitioner's] work.

In the present case, we note that all of the witnesses have direct ties to the petitioner. We agree with counsel that 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 very often, the petitioner's projects are also the projects of the witnesses, and no researcher is likely to view his or her own work as unimportant. The director's observation that all of the witnesses have close ties to the petitioner is not intended to cast aspersions on the integrity of the witnesses; the director specifically indicated that the letters accompanying the petition were from "eminent scientists." Still, 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 we might expect with research findings that are of major significance. A scientific researcher with sustained national or international acclaim should be able to produce ample unsolicited materials reflecting that acclaim (such as heavy independent citation of his published articles). Here, the evidence presented does not show that the petitioner's prior work has earned him sustained acclaim at the national or international level.

The petitioner's appellate submission includes two "Invention Disclosure Form[s]" from [redacted] Research Corporation dated July 31, 2003 and October 14, 2003. This evidence, however, came into existence subsequent to the petition's filing date. See *Matter of Katigbak*, 14 I&N Dec. 45 (Reg. Comm. 1971), in which the Immigration and Naturalization Service (legacy INS) held that aliens seeking employment-based immigrant classification must possess the necessary qualifications as of the filing date of the visa petition. New circumstances that did not exist as of the filing date cannot retroactively establish eligibility as of that date.

Aside from the issue of the date the disclosure forms came into existence, we note that anyone may file a patent application, regardless of whether the invention constitutes an important contribution. In this case, there is no evidence showing that the patent applications for the petitioner's innovations were approved by the United States Patent and Trademark Office (USPTO), that the innovations described in the invention disclosures were being utilized by manufacturers on a national or international scale, or that the innovations were hailed by manufacturers throughout the industry as a major contribution.

On appeal, the petitioner submits a letter from [redacted] who states: "We are very much interested in the...two new technologies developed by [the petitioner] and we met him a couple of times for the potential adoption of his technology at our company and look forward for this new innovation. [redacted] assertion that his company might one day utilize the petitioner's innovations is not adequate to demonstrate their impact on the greater industry. See *Matter of Katigbak, supra*. Moreover, letters of interest from only two U.S. companies [redacted] are not adequate to demonstrate national or international acclaim.

Even if the petitioner were to provide evidence of an approved patent as of the petition's filing date, it would carry little weight in this matter. The granting of a patent documents only that an innovation is original; not every patented invention constitutes a major contribution in one's field. According to statistics released by the USPTO, which are available on its website at *www.uspto.gov*, that office has approved over one hundred thousand patents per year since 1991. In 2001, for example, it received 345,732 applications and granted 183,975 patents. Of far greater relevance than the existence of a patent is the importance to the greater field of the petitioner's patented innovation. Here, the petitioner has provided no substantive evidence showing that his particular innovations are widely praised throughout the electroceramics industry. Assertions to that effect from those who know the petitioner personally carry far less weight than would independent evidence, such as, for example, a trade journal article devoted entirely to one of petitioner's innovations.

The above witnesses have stated in general terms that the petitioner is a respected and highly skilled research scientist who is doing important work in his field. However, the documentation presented is not adequate to support the conclusion that the petitioner is widely acclaimed throughout the materials science field for contributions of major significance. The petitioner's work has added to the overall body of knowledge in the materials science field, but this is the goal of all such research; the assertion that the petitioner's findings may eventually have practical applications would not elevate him to a level above almost all others in his field at the national or international level. We find that the evidence in the record is not adequate to support a finding that the petitioner's work is nationally or internationally recognized as a major contribution.

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

We withdraw the director's finding that the petitioner's evidence satisfies this criterion.

Documentation contained in the record indicates that the petitioner has coauthored more than twenty articles in publications such as *Journal of Materials Science Letters*, *Journal of Sol-Gel Science and Technology*, *Ferroelectrics Letters*, *Journal of Materials Chemistry*, and *Materials Letters*. The publication of scholarly articles, however, is not automatic evidence of sustained national or international acclaim; we must also consider the greater research community's reaction to those articles. The Association of American Universities' Committee on Postdoctoral Education, on page 5 of its Report and Recommendations, March 31, 1998, set forth its recommended definition of a postdoctoral appointment. Among the factors included in this definition were the acknowledgement that "the appointment is viewed as preparatory for a full-time academic and/or research career," and that "the appointee has the freedom, and is expected, to publish the results of his or her research or scholarship during the period of the appointment."

Thus, this national organization considers publication of one's work to be "expected," even among researchers who have not yet begun "a full-time academic and/or research career." 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 findings. Frequent citation by independent researchers, however, would demonstrate widespread interest in, and reliance on, the petitioner's work. If, on the other hand, there

are few or no citations of an alien's work, suggesting that that work has gone largely unnoticed by the greater research community, then it is reasonable to question how widely that alien's work is viewed as being nationally or internationally acclaimed.

The record contains 25 citations of the petitioner's published articles. Almost half of these (12) are self-citations by the petitioner or his research collaborators. Self-citation is a normal, expected practice among researchers in the scientific community. Self-citation cannot, however, demonstrate the response of independent researchers. While the citation indices presented demonstrate a small degree of interest in the petitioner's published work, he has not shown that an aggregate total of thirteen independent citations of more than twenty published articles elevates him to a level above almost all other researchers in his field. The petitioner has clearly authored several published articles over the past decade, but the weight of this evidence is diminished by a lack of evidence showing that these articles have significantly influenced his field.

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

The record adequately establishes that the Materials Research Institute at PSU, the Institute of Materials Research and Engineering at the University of Singapore, and the Institute for Shock Physics at WSU have distinguished reputations. We cannot ignore, however, that the petitioner's role at these institutions was that of a graduate student or research associate. Such roles represent temporary training for a future professional career in a field of endeavor. The record contains no evidence showing the extent to which the petitioner has exercised substantial control over personnel or research decisions executed on behalf of these institutions. Nor is there evidence showing that the petitioner has directly secured significant amounts of research funding as a principal investigator (in the same manner as many of his witnesses). We note here that the majority of witnesses in this case hold higher positions of authority as research supervisors, directors and heads in their respective divisions or departments. This criterion, like all of the criteria, is intended to separate the petitioner from the majority of his colleagues in the materials science field. Therefore, when determining the petitioner's eligibility, it is entirely appropriate to compare the petitioner's role to that of his colleagues. In this case, it is immediately apparent that the importance of the role of individuals such as [REDACTED] far exceeds that of the petitioner. While we accept that the petitioner has contributed to research projects overseen by his superiors at PSU, WSU, and the University of Singapore, it has not been shown that his role is any more significant than that of other researchers employed by those institutions. For the above reasons, we find that the petitioner's evidence falls short of establishing that he has performed in a leading or critical role for a distinguished organization, or that his involvement has earned him sustained national or international acclaim.

The fundamental nature of this highly restrictive visa classification demands comparison between the petitioner and others in his field. The regulatory criteria describe types of evidence that the petitioner may submit, but it does not follow that every scientific researcher who has published the results of his work, reviewed a few manuscripts for publication, or earned the respect of a handful of his colleagues and mentors, 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 experts 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 national or international 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 scientific researcher 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.