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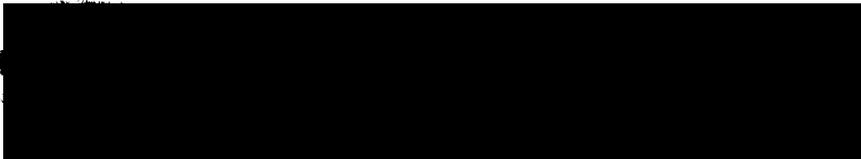
Office: VERMONT SERVICE CENTER

Date: JUN 24 2005

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

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

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, Vermont 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 with extraordinary ability in the sciences. The director determined that the petitioner had not established the sustained national or international acclaim requisite to classification as an alien of extraordinary ability.

Section 203(b) of the Act states, in pertinent part:

(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 into the United States will substantially benefit prospectively the United States.

The applicable regulation defines the statutory term "extraordinary ability" as "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). Specific supporting evidence must accompany the petition to document the "sustained national or international acclaim" that the statute requires. 8 C.F.R. § 204.5(h)(3). An alien can establish sustained national or international acclaim through evidence of a "one-time achievement (that is, a major, international recognized award)." *Id.* Absent such an award, an alien can establish the necessary sustained acclaim by meeting at least three of ten other regulatory criteria. *Id.*

In this case, the petitioner seeks classification as an alien with extraordinary ability in the sciences as a clinical physician and researcher. The record indicates that the petitioner was previously a Professor of Surgery at the Lady Hardinge Medical College & Associated Hospitals in New Delhi, India who later came to the United States to study at the Rhode Island Hospital in the Department of Urology where he was employed as a resident at the time of filing. Supporting documents submitted with the petition include: a support letter from Dr. Barry Stein, Surgeon-in-Chief of the Department of Urology at Rhode Island Hospital, the petitioner's curriculum vitae, academic and professional credentials, documentation of the petitioner's awards and honors, a letter from the editor of an Indian scholarly journal, copies of and documents relating to articles co-authored by the petitioner, a certificate awarding the petitioner fellowship in the Association of Surgeons of India, and five letters of recommendation from his colleagues. The director noted some of the petitioner's accomplishments, but found that the record did not demonstrate the requisite sustained acclaim.

On appeal, counsel submits a brief, copies of numerous documents previously submitted and the following new evidence: a printout from the website of the World Health Organization (WHO) generally describing awards administered by the organization, an article entitled "Cover Story: Top 10 Colleges, Medicine" printed from the website of *India Today*, a printout entitled "Country Health Profile: India" from the website of the WHO Regional Office for South-East Asia, and information regarding some of the journals in which the petitioner's articles have been published. This additional evidence and counsel's claims do not overcome the deficiency of the petition and the appeal will be dismissed.

We first address two issues raised by counsel. First, counsel cites four unpublished AAO decisions as authority or support for claims made on appeal. Designated and published decisions of the AAO are binding precedent on all Citizenship and Immigration Services (CIS) employees in the administration of the Act pursuant to 8 C.F.R. § 103.4(c). However, unpublished decisions such as those cited by counsel have no such precedential value.

Second, on page six of his appellate brief, counsel claims that the director's decision applied an erroneous standard that is contrary to the regulations. In a prefatory discussion of the regulatory criteria at 8 C.F.R. § 204.5(h), the director stated:

The list is only a representative selection and does not replace the statutory requirement of extensive documentation to demonstrate sustained national or international acclaim. Merely meeting three of ten categories of evidence suggested by regulation does not automatically establish the beneficiary's eligibility for the classification of "Alien of Extraordinary Ability." Determinations of eligibility are made on the basis of the quality and caliber of the evidence presented.

We do not read the director's comments as going beyond the regulation. Rather, the director is apparently noting that mere submission of evidence that is nominally relevant to a given criterion at 8 C.F.R. § 204.5(h) is not always sufficient to satisfy that criterion. Rather, the weight given to evidence submitted to fulfill the regulatory criteria must depend on the extent to which such evidence demonstrates, reflects, or is consistent with sustained national or international acclaim at the very top of the alien's field of endeavor. A lower evidentiary standard would not be consistent with the regulatory definition of "extraordinary ability" as "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). For example, mere submission of newspaper articles about the alien may relate to the criterion at 8 C.F.R. § 204.5(h)(3)(iii), but will not satisfy that criterion if the articles were published several years ago in local newspapers and hence do not reflect the requisite sustained national or international acclaim.

Counsel's remaining contentions, the evidence submitted and the director's decision are addressed in the following discussion of the regulatory criteria relevant to the petitioner's case.

(i) Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

The director correctly determined that the petitioner did not meet this criterion. The petitioner submitted a copy of a document entitled "University of Delhi Rotary Gold Medal, 1986" certifying that the petitioner was "awarded Rotary Gold Medal for being best candidate in Master of Surgery (M.S. in Surgery) Examination held

in 1986.” The certificate demonstrates that the Rotary Gold Medal is an academic honor awarded only to students at the University of Delhi and thus is not a nationally or internationally recognized prize for excellence in surgery.

The petitioner also submitted a letter addressed to him from the American College of Surgeons Committee on Trauma. The letter reads, in pertinent part: “Congratulations on successfully completing the ATLS [Advanced Trauma Life Saving] Provider Course at Rhode Island Hospital on October 17 & 18, 2001. . . . You have been awarded continuing medical education credits I am also pleased to inform you that your mastery of the ATLS curriculum both in the written test and practicum identifies you as having *instructor potential*. . . . If you would like to enroll in a future Instructor Course, please contact my office” (emphasis in original). Counsel and Dr. Stein characterize this identification of “instructor potential” as an award and claim that only two physicians per state are so identified each year. The record contains no corroborative evidence to support that claim. Simply going on record without supporting documentary evidence is not sufficient to meet the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). The letter does not state that only two physicians per state are selected each year and also does not indicate that identification of “instructor potential” is a nationally recognized prize or award for excellence in ATLS, rather than a prerequisite for professional accreditation as an ATLS instructor. Besides the letter, the record contains no other evidence regarding the significance or alleged prestige of ATLS “instructor potential.”

Finally, the record contains documents certifying that the petitioner received a WHO fellowship. A letter dated June 8, 1995 from Dr. Uton Muchtar Rafei, Director of the WHO Regional Office for South-East Asia, is addressed to the Ministry of Health and Family Welfare of the Government of India and states “Subject: WHO FELLOWSHIP TO: DR. S. ASHOK (INDIA) . . . I have the honour to forward herewith a copy of the Letter of Award for the above-named fellow who was nominated by your Government for a WHO fellowship.” A “Letter of Award and Travel Order” on WHO letterhead stationary also dated June 8, 1995 is addressed to the petitioner and states “I am pleased to inform you that, on the recommendation of your Government, you have been awarded a fellowship by this Organization to study: LASER SURGERY.” This letter states that the duration of the fellowship was 12 months and was to be conducted at the Department of Urology at the Rhode Island Hospital. A letter from the Ministry of Health and Family Welfare (Fellowship Section) dated June 15, 1995 is addressed to the WHO Regional Office for South-East Asia and affirms that the Indian Government was releasing the petitioner from his professional duties to accept the fellowship.

The director found this evidence insufficient to establish the petitioner’s eligibility under this criterion for two reasons. First, the documents did not state the eligibility and selection criteria for the fellowship. Second, the documents were not “persuasive evidence of [the petitioner’s] sustained national or international acclaim” because the fellowship was awarded “nearly a decade prior to the filing of the petition.” On appeal, counsel claims the director did “not indicate why an award received a decade ago should not be considered evidence for the petition – it merely concludes that it does not. Moreover, the regulations do not indicate that for proper consideration, awards must be received in the last several years.” Counsel fails to closely read the director’s decision, which clearly states that the petitioner’s WHO fellowship does not meet this criterion, in part, because it was awarded nearly a decade ago and consequently does not demonstrate sustained acclaim. While the regulations do not require that prizes or awards under this criterion must be received in the last several years, as stated above in our preliminary discussion, the weight given to evidence submitted to fulfill the regulatory criteria at 8 C.F.R. § 204.5(h)(3) must depend on how the evidence demonstrates, reflects or is consistent with sustained national or international acclaim at the very top of the alien’s field of endeavor.

If the petitioner had received other nationally or internationally recognized prizes for excellence in his field after his WHO award, the collective evidence could meet this criterion. Indeed, counsel claims that “[t]aken together, Dr. Ashok’s WHO award along with the awards he has received since, evidence receipt of *sustained* national acclaim within India,” yet the evidence submitted simply does not support this contention. As previously discussed, the petitioner’s Rotary Gold Medal and identification as having ATLS “instructor potential” do not constitute awards or prizes under this criterion. The record contains no evidence of any other prizes or awards granted to the petitioner after his WHO fellowship.

In addition, the record does not establish the selection or eligibility criteria of the petitioner’s WHO fellowship or otherwise document that the fellowship was equivalent to a nationally or internationally recognized prize or award for excellence in the petitioner’s field. On appeal, counsel submits a printout from the WHO website, which states that prizes administered by the organization “are awarded, in general, to individuals or institutions for outstanding achievements in general health development; the fellowships are intended to further research in specific areas of medicine. Over the years the awards have been presented to well known scientists, researchers or simply dedicated people who have greatly contributed with their work to the advancement of public health, and to institutions caring for the health of local communities.” The printout indicates that there are specific statutes, regulations and guidelines relevant to each fellowship and lists links to ten specific foundations, fellowships or prizes, none of which appear to relate to the petitioner’s fellowship. The printout does not include the statute, regulation or guidelines specific to the petitioner’s fellowship.

Four of the petitioner’s recommendation letters mention his WHO fellowship. Dr. Raymond J. Lanzafame, Associate Professor of Surgery and Director of the Laser Center at the Rochester General Hospital, explains that the petitioner “was awarded the prestigious Pan-American Health/World Health Organization award to work at our Laser Center,” but no other evidence in the record so identifies the petitioner’s fellowship. In addition, the fellowship award letter states that it was given for study at the Rhode Island Hospital, not the Rochester General Hospital. Dr. Stein, Professor Majula Jain of the Lady Hardinge Medical College and Dr. Ravi Kashyap of the Institute of Nuclear Medicine & Allied Sciences in India all state that the petitioner was “selected from a pool of over 1,500 other medical professors in India for this prize,” but the record contains no independent evidence to corroborate this claim.

In sum, the evidence affirms that the petitioner received a WHO fellowship in 1995 upon nomination by the Indian Government to study laser surgery at the Rhode Island Hospital. The record does not sufficiently demonstrate that the petitioner’s fellowship was a nationally or internationally recognized award for excellence in surgery consistent with the requisite sustained acclaim. Accordingly, the petitioner does not meet this criterion.

On appeal, counsel also claims that the petitioner’s “attainment of the position of Professor of Surgery in India should be considered an award as it evidenced his sustained national acclaim in India.” The record does not support this claim. Although many of the petitioner’s support letters praise his accomplishments while a professor at Lady Hardinge Medical College in India, the record is devoid of any evidence that the petitioner’s academic appointment is equivalent to a nationally recognized award for excellence in surgery rather than evidence of successful employment in an academic institution. The evidence relating to the petitioner’s work as a professor and the reputation of Lady Hardinge Medical College is more relevant to and will be discussed below under the fifth and eighth criteria.

(ii) 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.

We note that the director did not state whether or not the petitioner met this criterion, but only noted that "the beneficiary is a member of various associations relating to medical research and the practice of medicine." This oversight has not prejudiced the petitioner, however, because the record does not establish his eligibility under this criterion. The petitioner submitted a certificate dated December 28, 1996, which states, "having complied with all requirements Dr. S. Ashok has been found qualified in the Art and Science of Surgery he has [sic], therefore, been admitted a Fellow of The Association of Surgeons of India." Dr. Stein and counsel claim that this honor is only granted to approximately 20 physicians in India each year, but the record is devoid of any evidence to support this alleged selectivity or that outstanding accomplishments are prerequisite to fellowship in the association. Again, simply going on record without supporting documentary evidence is not sufficient to meet the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

Counsel attempts to buttress this unsupported claim on appeal by submitting evidence that "[t]here are 503,900 physicians in India, putting [the petitioner] in the top .004%." Yet this evidence is not probative when the principal assertion that only 20 some Indian physicians are selected as fellows each year has not been documented. Counsel also claims that the "selection process to become a Fellow is rigorous" as described on pages 10 and 11 of his appellate brief, but counsel submits no evidence of the Association's fellowship selection process. Without documentary evidence to support a claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). Consequently, the petitioner's fellowship in this association does not evidence his eligibility under this criterion.

We note that Dr. Stein states that the petitioner is also a member of the American Urological Association, the American Medical Association and a Life Member of the National Society for the Prevention of Blindness. The petitioner's curriculum vitae also lists these professional affiliations, but the record is devoid of any primary evidence of these memberships or documentation that outstanding achievements are prerequisite to membership in these organizations. Accordingly, the petitioner does not meet this criterion.

(iv) 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.

The director correctly determined that the petitioner did not meet this criterion. The record contains a letter dated March 26, 1998 from Professor S.B. Agarwal, Editor-in-Chief of the journal *Surgery & Laparoendoscopy*. The letter does not contain the petitioner's name and is simply addressed: "Dear Sir." The letter states, "the management of the journal has selected you as one of the member [sic] of the editorial board. I trust that you will be kind enough to accept this responsibility." The record is devoid of any evidence that this letter was addressed to the petitioner or that he accepted the invitation and actually served on the journal's editorial board. Although some of the support letters state that the petitioner was an editor of this journal, the record contains no corroborative evidence of his position. In addition, despite counsel's claim on appeal that this journal is a "prestigious Indian scientific publication," the record contains no documentation that the journal is highly

regarded in the petitioner's field or other evidence that serving on its editorial board reflects national or international acclaim. Indeed, the letter suggests otherwise. The letter states that the journal had just been officially registered in India and Professor Agarwal expresses his "hope that [the addressee's] cooperation and guidance will make this journal of International repute."

The director thus found "no evidence that the beneficiary has participated on a panel or individually as a judge of the work of others in his field, beyond that required of any practitioner at a tertiary care hospital." On appeal, counsel claims that this statement "completely disregards evidence submitted with Dr. Ashok's original Petition," references the aforementioned letter and claims that the letter is "substantial probative evidence." Again, the letter is not addressed to the petitioner and only evidences an invitation to serve – not actual service – as a member of the journal's editorial board. Counsel does not explain or overcome this deficiency by submitting evidence of the petitioner's actual editorial work. Accordingly, the petitioner does not meet this criterion through this alleged editorial board membership.

Dr. Stein also claims the petitioner meets this criterion because he "has judged the work of others in his many teaching roles." Duties or activities nominally relevant to this criterion do not demonstrate national or international acclaim if they are inherent or routine to the occupation itself. Judging the work of students is inherent to the role of a professor and the record contains no evidence that the petitioner's former professorship in India involved any exceptional judgment of the work of others in his field outside of his academic duties reflective of the requisite sustained acclaim. Consequently, the petitioner does not meet this criterion.

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

The director noted only a portion of the evidence relevant to this category and then concluded that "the record offers insufficient evidence that [the petitioner's] contributions are generally acknowledged as representing major advances that have enjoyed widespread implementation in the field." On appeal, counsel contends that the evidence submitted establishes that the petitioner's "techniques have enjoyed widespread national acclaim and implementation in India." As the following discussion explains, the record does not support counsel's claim.

The petitioner submitted six recommendation letters written by his collaborators and colleagues in India and the United States as evidence of his contributions to his field. While such letters provide relevant information about an alien's experience and accomplishments, they cannot by themselves establish the alien's eligibility under this criterion because they do not demonstrate that the alien's work is of major significance in his field beyond the limited number of individuals with whom he has worked directly. Moreover, letters solicited by an alien in support of an immigration petition carry less weight than preexisting, independent evidence of major contributions that one would expect of an alien who has earned sustained national or international acclaim. Accordingly, we review the letters as they relate to other evidence of the petitioner's contributions.

Three letters from the petitioner's former colleagues in India discuss his accomplishments in that country. Dr. O.P. Pathania, Professor of Surgery at the Lady Hardinge Medical College and Associated Hospitals in New Delhi, states that he collaborated with the petitioner on projects including "Laparoscopic Inguinal hernia repair, Laparoscopic incisional hernia, Cancer Esophagus palliation, Breast cancer and associated problems in third world Countries. Many of these are unique to India and third world countries and the results have been appreciated when presented to local Surgical Forums." Professor Pathania then lists three such presentations

that the petitioner made in New Delhi, but the record contains no evidence of these lectures or that these local talks garnered national acclaim throughout India.

Professor Pathania also claims that when the petitioner was a graduate student, he served as a “Senior Scientific Research Officer” at the Lok Nayak Jai Prakash Narain (LNJPN) Hospital where he made “some of his most important contributions to Medicine and Surgery in India.” Specifically, Professor Pathania states that the petitioner worked on “diagnostic aspects of abdominal tumors with performance of guided aspiration cytology, hitherto revolutionary at that time. His publications in the *India [J]ournal of Surgery* and *Acta Cytologica* are ample evidence of his work in this field.” The record contains a reprint of an article entitled “Ultrasound-guided Fine Needle Aspiration Cytology in Abdominal Masses” published in the October-November 1986 edition of *Indian Journal of Surgery* of which the petitioner is the lead author and an article entitled “Fine Needle Aspiration Cytology of Well-Differentiated Papillary Peritoneal Mesothelioma: Report of a Case,” published in the July-August 1988 edition of *Acta Cytologica* of which the petitioner is a co-author. However, the record contains no evidence that these articles have been cited by other medical researchers or any other evidence that the petitioner’s work in this area made an original contribution of major significance to his field.

Professor Pathania also explains that the petitioner’s work included important public service. Professor Pathania reports that the petitioner participated in “emergent rescue operations in the aftermath of a devastating earthquake in Latur, Maharashtra State, India in 1995. This was followed by rescue operations in the wake of terrorism and casualties in Kashmir. He was airlifted on both occasions and later commended for his work in Emergent and Trauma Surgery and Surgery for Disasters.” Yet the record contains no corroborative evidence of this work or its later commendation.

Lastly, Professor Pathania states that while a professor at the Lady Hardinge Medical College, the petitioner “was responsible for initiating techniques such as minimally invasive surgery, diagnostic GI Endoscopy, Laproscopic Abdominal Surgery and Urologic Endoscopy.” Professor Pathania claims that this work was published in scholarly journals and was “well received in the medical community and solidified [the petitioner’s] national renown.” The record contains five articles which the petitioner co-authored while employed at the Lady Hardinge Medical College, but again, the petitioner submits no documentation of the citation of these articles by other researchers or any other evidence that the articles discuss work primarily attributable to the petitioner that made original contributions of major significance to his field in India or abroad.

Dr. Manjula Jain, Professor of Pathology at Lady Hardinge Medical College, explains that she collaborated with the petitioner on several research projects, some of which were published in scholarly journals. Professor Jain states that the petitioner has a “sustained reputation as an extraordinary researcher in India.” Specifically, she notes that “[h]is work in the areas of single dose antibiotic prophylaxis in elective surgery, the role of Ondansetron in prevention of cancer induced emesis, and in the role of pentoxifylline in pre-gangrenous and gangrenous limbs has earned him wide acclaim and critical success.” However, the record is devoid of any evidence to corroborate this purportedly wide acclaim and critical success. As previously discussed, the record contains five articles co-authored by the petitioner while employed at Lady Hardinge Medical College, but no evidence of their wide citation or that the articles document original contributions of major significance to the petitioner’s field in India or abroad.

Dr. Ravi Kashyap, Chairman of the Nuclear Medicine and Medical Informatics Department at the Institute of Nuclear Medicine and Allied Sciences (INMAS) in Delhi, worked with the petitioner on various research projects and also claims the petitioner had a “sustained reputation as an extraordinary researcher in India.” Dr.

Kashyap explains that “[h]is work in the in the [sic] role of pentoxyphylline in pre-gangrenous and gangrenous limbs has earned him wide acclaim and critical success. In this project he was involved with INMAS to perform MRI of the limbs.” Again, there is no evidence to support this alleged “wide acclaim and critical success.” We also note that Dr. Kashyap’s letter repeats verbatim two and a half paragraphs from Professor Jain’s letter. This repetition suggests that much of these letters’ language is not the authors’ own.

Professor Lanzafame of the Rochester General Hospital states that he became acquainted with the petitioner in 1995 when the WHO “program . . . facilitated his visit to the Rochester General Hospital.” Professor Lanzafame explains that during the petitioner’s stay, “he participated in a wide variety of open, endoscopic and laparoscopic procedures wherein laser technology was utilized to solve clinical problems. In addition he worked with CO₂, KTP, Nd:YAG, Pulsed dye, and Holmium laser technologies under research laboratory conditions. After completing the WHO program he utilized this cutting-edge technology extensively in open and laparoscopic surgery in India. His work was well appreciated in local surgical forums throughout India.” As previously mentioned in the discussion of Professor Pathania’s letter, the record contains no documentation of the petitioner’s presentations to local surgical forums in India or evidence that such presentations garnered national acclaim for the petitioner throughout India.

Professor Lanzafame further opines that the petitioner’s “work on breast cancer shows extraordinary insight into basic research and was published in *Breast Cancer and Research* in 2001.” The record contains a copy of an article entitled “Lipid Peroxidation, Free Radical Production and Antioxidant Status in Breast Cancer” of which the petitioner is a co-author and was published in 2000 in *Breast Cancer Research and Treatment*. Hence, Professor Lanzafame not only misstates the article’s publication date and the journal’s title, but apparently overstates the significance of the petitioner’s work in this area as well. The record is devoid of any evidence that this article has been widely cited or otherwise recognized by independent experts as a major contribution to the petitioner’s field.¹

The record also does not demonstrate that the petitioner’s recent accomplishments at the Rhode Island Hospital meet this criterion. Dr. Stein explains that in 2000 the petitioner came to the United States for a nine-month clinical research program under Dr. Stein’s supervision where he “worked on our project in the field of Osteoporosis as a complication of androgen deprivation therapy for carcinoma of the prostate. This work resulted in a publication.” The record contains an excerpt of an article co-authored by Dr. Stein and the petitioner entitled “Osteoporosis and the Aging Male” that was published in the May, 2002 edition of *Medicine and Health Rhode Island*. The excerpt states that this journal is a publication of the Rhode Island Medical Society and does not indicate that the journal is circulated nationally. The record contains no evidence that the article has been widely cited or otherwise recognized by independent medical researchers as a contribution of major significance to the field. The petitioner also submitted a copy of a paper entitled “Osteoporosis and Prostate Cancer” that is co-authored by Dr. Stein and the petitioner. A letter from Margaret Macdonald, Senior Editor of the publishing company, Elsevier Science Limited, is addressed to Dr. Stein and the petitioner and contains a publication agreement for the inclusion of the paper as a chapter in a book entitled “Handbook of

¹ The record also includes a letter from the Developmental Editor of the publishing firm Lippincott, Williams and Wilkins. The letter is addressed to the petitioner and “welcome[s] [him] as a contributor to the second edition of *Primary Care for Women*.” The letter requests the petitioner to submit his manuscript by December 20, 2002. The record contains no evidence that this book was published with the petitioner’s contribution at the time of filing or that the mere invitation demonstrates the significance of the petitioner’s unidentified manuscript.

Prostrate Cancer: Biology, Epidemiology and Therapeutic Modalities.” The letter is dated March 16, 2001 and the enclosed agreement is signed by both [REDACTED] and the petitioner. The record contains no evidence that this book has been published or that this specific chapter has been widely cited or otherwise considered a major contribution to the field by other medical researchers.

Dr. Stein further explains that the petitioner “helped to create a porcine model for laproscopic radical prostatectomy.” This accomplishment is also noted by Professor Lanzafame and Dr. Jay Murthy of the Department of Pathology at the Memorial Hospital of Rhode Island and Clinical Assistant Professor of Pathology and Laboratory Medicine at Brown University Medical School. Dr. Murthy claims the petitioner “contributed breakthroughs in Laproscopic Inguinal hernia repair.” The petitioner’s curriculum vitae lists an article entitled “Laproscopic Radical Prostatectomy [sic] in a Porcine Model” and states that the article has been accepted for publication in the *Journal of Endourology* in 2002, but the record contains no copy of this article or other evidence that it has been published and widely cited or otherwise recognized by other experts in the petitioner’s field as a major contribution.

In summary, the recommendation letters describe the petitioner’s numerous accomplishments and indicate that he is well regarded by his colleagues in India and the United States, but the record contains insufficient corroborative evidence to show that his contributions were of major significance in his field in a manner reflective of sustained national (in India) or international acclaim. Accordingly, the petitioner does not meet this criterion.

(vi) Evidence of the alien’s authorship of scholarly articles in the field, in professional or major trade publications or other major media.

The director did not acknowledge or discuss the submitted evidence of the petitioner’s scholarly articles. This error has not prejudiced the petitioner, however, because the evidence does not establish his eligibility under this criterion. Frequent publication of research findings is inherent to success as an established scientist and does not necessarily indicate the sustained acclaim requisite to classification as an alien with extraordinary ability. Evidence of publications must be accompanied by documentation of consistent citation by independent experts or other proof that the alien’s publications have had a significant impact in his field.

In this case, as noted in the foregoing discussion under the fifth criterion, the record contains evidence of eight scholarly articles co-authored by the petitioner. One of these articles is a letter to the editor and another was published as a “brief report.” The petitioner is the lead author of just one of these articles. The record contains no evidence that any of the petitioner’s articles have been cited by other researchers in India, the United States or any other countries. Although the petitioner’s support letters mention his articles, the petitioner submitted no independent evidence that his publications have been recognized by experts in his field outside of his immediate colleagues. On appeal, counsel submits excerpts from the 1997 edition of “Ulrich’s International Periodicals Directory” indicating that four of the petitioner’s articles have been published in refereed journals. Even if we found the excerpts to be sufficient evidence of the journals’ prestige, they would not sufficiently establish that the petitioner’s articles had garnered significant recognition by other researchers in his field in a manner reflective of the requisite sustained acclaim. Accordingly, the petitioner does not meet this criterion.

(vii) Evidence of the display of the alien’s work in the field at artistic exhibitions or showcases.

The petitioner claimed eligibility under this criterion by virtue of his invited lectures and presentations at various scientific conferences. The director acknowledged the petitioner's scientific conference presentations under the fifth and sixth criteria, but did not discuss them under this category and stated that the record contained "no evidence of the display of [the] beneficiary's work in the field at artistic exhibitions or showcases." Even if we considered the petitioner's purported lectures and presentations under the comparable evidence provision of 8 C.F.R. § 204.5(h)(4), we would not find the record sufficient to demonstrate his eligibility. The petitioner's curriculum vitae lists 15 "Papers Presented" and four "Guest Lectures," but the record contains no corroborative evidence of these presentations and lectures. Simply going on record without supporting documentary evidence is not sufficient to meet the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165. Consequently, the petitioner does not meet this criterion.

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

The director noted that the petitioner "held positions of responsibility at various medical institutions," but that the record contained no evidence that he met this criterion through any of those positions. On appeal, counsel contends that the petitioner meets this criterion through his former role at Lady Hardinge Medical College in India and submits the previously mentioned printout from *India Today* indicating that this college is ranked among the top ten medical schools in India. The petitioner's curriculum vitae states that he worked at the Lady Hardinge Medical College as an Assistant Professor of Surgery from 1990 to 1992, was then promoted to Associate Professor of Surgery in November 1992 and then became a Professor of Surgery in 1998, the position he held until November 2000. The recommendation letters also attest to the petitioner's position at the college and the college's standing as a prestigious medical school in India, yet the record contains no independent evidence of the petitioner's role or that his accomplishments at the college garnered sustained national acclaim in India. As previously discussed under the fifth and sixth criteria, the record contains no evidence that the articles written by the petitioner while employed at the college received significant recognition by other experts in his field in India or abroad. The record also does not document the petitioner's purported guest lectures or the allegedly wide acclaim of his initiation of minimally invasive surgery and other techniques at the college and its associated hospitals. Accordingly, the petitioner does not meet this criterion.

An immigrant visa will be granted to an alien under section 203(b)(1)(A) of the Act, 8 U.S.C. § 1153(b)(1)(A), only if the alien can establish extraordinary ability through extensive documentation of sustained national or international acclaim demonstrating that the alien has risen to the very top of his or her field. The evidence in this case indicates that the petitioner is an accomplished surgeon who was a professor at a medical college in India and is well respected by his colleagues in India and the United States. However, the record does not establish that the petitioner had achieved sustained national or international acclaim placing him at the very top of his field at the time of filing. He is thus ineligible for classification as an alien with extraordinary ability pursuant to section 203(b)(1)(A) of the Act, 8 U.S.C. § 1153(b)(1)(A), and his 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.