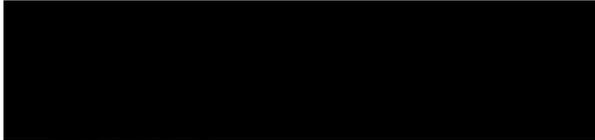




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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **OCT 19 2005**
EAC 04 134 52081

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:
[REDACTED]

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

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 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.

On appeal, counsel relies on a July 30, 1992 correspondence memorandum from Lawrence Weinig, Acting Assistant Commissioner, to the then Director of the Nebraska Service Center, [REDACTED] Mr [REDACTED] issued his correspondence memorandum in response to an inquiry from [REDACTED] and makes clear that he is discussing his personal inclinations. Moreover, in contrast to official policy memoranda issued to the field, correspondence memoranda issued to a single individual do not constitute official Citizenship and Immigration Services (CIS) policy and will not be considered as such in the adjudication of petitions or applications. Although the correspondence may be useful as an aid in interpreting the law, such letters are not binding on any CIS officer as they merely indicate the writer's analysis of an issue. *See* Memorandum from Thomas Cook, Acting Associate Commissioner, Office of Programs, *Significance of Letters Drafted by the Office of Adjudications* (December 7, 2000).¹ Counsel's specific assertions, including those based on this correspondence, will be considered below.

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 regulation at 8 C.F.R.

¹ Although this memorandum principally addresses letters from the Office of Adjudications to the public, the memorandum specifies that letters written by any CIS employee do not constitute official CIS policy.

§ 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 seeks to classify the petitioner as an alien with extraordinary ability as a mathematical statistician. 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, he claims, meets the following criteria.²

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

The petitioner submits evidence that he received the [REDACTED] in 2002 for his dissertation at Hebrew University. The materials reflect that the prize is awarded for "academic excellence." The American Biographical Institute issued the petitioner a certificate affirming an "honorary appointment" to the Research Board of Advisors on an unspecified date. The petitioner submitted no documentation about the significance of this appointment. In 1995, the petitioner received a Golda Meir Fellowship at Hebrew University. The fund is "a program to attract outstanding graduate and postgraduate scholars from around the world to pursue their research and studies in Israel." The program reveals that recipients range from lecturers to graduate students. The petitioner is listed in the doctoral degree candidates section. Finally, the petitioner's one-paragraph biography appears in edition five of "5,000 Personalities of the World."

The director concluded that the petitioner had not provided sufficient evidence regarding the significance of the American Biographical Institute and that the remaining awards were limited to Hebrew University and academic in nature. On appeal, counsel asserts that Hebrew University is a nationally recognized institution and, thus, the Alex Berger Prize should serve to meet this criterion. Counsel further asserts that the national scope of the petitioner's awards can be attained through "a combined review of [the petitioner's] other awards during his career."

While Hebrew University may be "nationally recognized," the issue is whether the prize or award is nationally recognized and whether the award recognizes excellence in the petitioner's field of endeavor. The materials submitted reflect that the Alex Berger prize recognized academic excellence. Academic study is not a field of endeavor, but training for a future field of endeavor. As such, academic scholarships and student awards cannot be considered prizes or awards in the petitioner's field of endeavor. Moreover, this office consistently holds that awards where the competition is limited to other students cannot serve to meet this criterion. Specifically, experienced experts in the field are not seeking scholarships or Ph.D. fellowships and do not compete for the Alex Berger prize. Thus, they cannot establish that a petitioner is one of the very few at the top of his field.

Finally, we concur with the director that the record lacks evidence of the significance of the American Biographical Institute. Moreover, inclusion in a biographic dictionary is not a prize or award. This evidence

² The petitioner does not claim to meet or submit evidence relating to the criteria not discussed in this decision.

will be considered below as it relates to published materials about the alien pursuant to 8 C.F.R. § 204.5(h)(3)(iii).

In light of the above, the petitioner has not established that he meets this criterion.

Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.

The petitioner submitted evidence of membership in the following associations: The American Statistical Association (ASA), the American Mathematical Society and the Moscow Mathematical Society. The petitioner failed to submit evidence of the membership requirements for these associations, although the membership application for ASA submitted by the petitioner suggests that ASA is merely a professional association requiring little more than the payment of dues to join.

The director concluded that ASA was a fee-based membership and that the petitioner had not established that any of the associations require outstanding achievements of their members. On appeal, counsel notes that a failure to meet this criterion does not preclude eligibility but requests "a collective review of his scientific memberships."

The plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(ii) is clear and unambiguous. The petitioner must demonstrate that he is a member of an association that requires outstanding achievements of its members. The record does not reflect that the above associations require outstanding achievements of their general membership. Counsel provides no legal basis for concluding that multiple nonqualifying memberships can be deemed qualifying based on a "collective" review. While the regulation at 8 C.F.R. § 204.5(h)(4) allows for comparable evidence where a criterion is not readily applicable, the petitioner has not established that this criterion is not readily applicable to his field. We note that one of his references, Dr. Phillip S. Kott, is a fellow of the ASA, suggesting a more exclusive membership category within the ASA. Moreover, we do not find that paying dues to join multiple professional associations is any more indicative of national or international acclaim than joining one such association. Thus, multiple nonqualifying memberships are not comparable to the type of exclusive memberships required to meet this criterion.

In light of the above, the petitioner has not established that he meets this criterion.

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.

Initially, counsel asserts that the citations of the petitioner's articles serve to meet this criterion. The director concluded that the record lacked sufficient evidence that others have cited the petitioner's work to a degree that would be indicative of his claimed sustained national or international acclaim.

Initially and again on appeal, counsel has cited the correspondence memorandum from [REDACTED] for the proposition that a "goodly number" of citations can suffice to meet this criterion. Counsel further notes that the petitioner's biographic information appeared in "5,000 Personalities of the World."

In his letter to ██████████ raised concerns about more than one criterion. Specifically, he noted that “it is almost a job requirement at many universities that professors and researchers publish papers.” Separately, ██████████ questioned whether citations were published material about the cited author. In his response, Mr. Weinig unequivocally states that “a footnoted reference to the alien’s work without evaluation . . . would be of little or no value.” ██████████ goes on to state that “entries (particularly a goodly number) in a field . . . would more than likely be solid pieces of evidence.” Contrary to counsel’s assertion on appeal, however, Mr. Weinig does not identify the criterion to which this evidence would relate.

We concur with ██████████ that a “goodly number” of citations is solid evidence worth consideration. We find, however, that this evidence is of significance to one of the other criteria for which ██████████ expressed concern; namely, authorship of scholarly articles. As will be discussed below, the director correctly considered the petitioner’s citations as evidence of the significance of his published articles and even as evidence that his contributions were of major significance. The statutory requirement for “extensive evidence” and the regulatory requirement that a petitioner meet at least three criteria precludes us from considering the petitioner’s citation record as evidence to meet three separate criteria. It remains, the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires that the published material be about the petitioner. The articles that cite his work are primarily about the author’s work, not the footnoted materials. Thus, we concur with the director that the petitioner’s citation record, while significant, is not relevant to this criterion.

Finally, appearing as one of thousands of other successful individuals in a frequently published directory is not indicative of or consistent with national or international acclaim.

In light of the above, the petitioner has not established that he meets this 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.

Relying on Mr. Weinig’s correspondence memorandum, counsel initially asserted that the petitioner’s participation as a peer reviewer serves to meet this criterion. The petitioner submitted evidence indicating that he reviewed 13 articles in various journals for MathSciNet, Mathematical Reviews on the Web. These reviews do not appear to be typical peer-reviews of manuscripts submitted for publication; rather, they appear to be reviews of published articles. The petitioner submitted no documentation regarding the website for which these reviews were prepared.

The petitioner also submitted an e-mail advising the petitioner that a former professor, Danny Pfeffermann, recommended the petitioner as a potential reviewer for the *Journal of the American Statistical Association*. In addition, the petitioner submitted a letter requesting the petitioner’s review of a manuscript for the *Journal of Statistical Planning and Inference*. The petitioner also received an e-mail from an editor at *Biometrics* thanking the petitioner for reviewing an article for that publication. Finally, the petitioner submitted a letter addressed to Partha Lahiri requesting final review of a revised manuscript. At the bottom is a handwritten note from Mr. Lahiri to the original referee of this manuscript, identified by the petitioner’s first name. While the letter, including the signature and handwritten note, are photocopied, the petitioner’s first name is in original ink, suggesting it was added at a later time.

In addition, counsel initially asserted that the petitioner’s duties as a teacher serve to meet this criterion. The only evidence counsel references for these teaching duties, however, is the petitioner’s curriculum vitae. The

petitioner's curriculum vitae indicates that the petitioner served as a teaching assistant from 1993 to 2000 at Hebrew University.

The director concluded that this evidence was not sufficiently indicative of national or international acclaim. On appeal, counsel asserts that the petitioner has provided reviews for some of the leading publications in the field. The petitioner submits materials from the websites of the journals for which the petitioner has served as a referee.

Mr. Weinig stated that "participation by the alien as a reviewer for a peer-reviewed scholarly journal would more than likely be solid pieces of evidence." [REDACTED] further stated that he was "inclined to believe that thesis direction (particularly of a Ph.D. thesis) would demonstrate an alien's outstanding ability as a judge of the work of others." [REDACTED] concluded that "we expect the examiner to evaluate evidence, not simply count it."

Being recommended to review an article by a former professor is not indicative of or consistent with national or international acclaim. Regardless, we cannot ignore that scientific and statistical journals are peer reviewed and rely on many professionals in the field to review submitted articles. Thus, peer review is routine in the field; not every peer reviewer enjoys sustained national or international acclaim. As Mr. Weinig suggests, we must evaluate the evidence, not merely count it. 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, received special solicitation to review articles for MathSciNet beyond a general call for volunteers or served in an editorial position for a distinguished journal, we cannot conclude that the above review responsibilities meets this criterion.

While counsel no longer asserts that the petitioner's teaching assistant duties serve to meet this criterion on appeal, we note that duties that are inherent to one's occupation are generally not indicative of or consistent with national or international acclaim. It is inherent to the occupation of teaching to review the work of one's students. We cannot conclude that every professor, instructor, teacher or teaching assistant enjoys national or international acclaim. The petitioner has not provided evidence that his reviewing responsibilities as a teaching assistant rise to the level that could be considered indicative of or consistent with national or international acclaim.

In light of the above, the petitioner has not established 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.

In his initial cover letter, counsel referenced the petitioner's personal statement, curriculum vitae, publications, conference presentations, citation record and reference letters "from a wide range of international individuals" as evidence to meet this criterion. The director concluded that the letters were mostly from the petitioner's circle of collaborators and that the record did not establish the significance of the petitioner's publication record.

On appeal, counsel first implies that the director erred in "incorporating" a review of the petitioner's publication record under this criterion as his publications relate to a "separate and distinct" category. Counsel then asserts that the petitioner's publication record also relates to this criterion and asserts that the petitioner's publications support the letters from "leading experts" in the petitioner's field. While counsel's

concerns about the director's analysis of this issue are somewhat unclear, we acknowledge that major contributions in the petitioner's field are often published. Thus, we do not contest that a distinguished publication record can support other evidence relating to this criterion in addition to the scholarly articles criterion set forth at 8 C.F.R. § 204.5(h)(3)(vi). To conclude, however, that an alien who meets one criterion necessarily meets the other criterion would negate the regulatory requirement that an alien meet at least three criteria and the statutory requirement for "extensive documentation."

Counsel further cites nonprecedent decisions, at least one of which related to a lesser classification, for the proposition that the opinions of high caliber witnesses must be given evidentiary weight. We do not contest that proposition. Nevertheless, while letters from collaborators are important in providing details about the petitioner's role in various projects, they cannot by themselves establish the petitioner's national or international acclaim. We concur with the director that an individual with sustained national or international acclaim should be able to produce unsolicited materials reflecting that acclaim.

In evaluating the reference letters, we note that letters containing mere assertions of widespread acclaim and vague claims of contributions are less persuasive than letters that specifically identify contributions and provide specific examples of how those contributions have influenced the field. In addition, letters from independent references who were previously aware of the petitioner through his reputation and who have applied his work are far more persuasive than letters from independent references who were not previously aware of the petitioner and are merely responding to a solicitation to review the petitioner's curriculum vitae and work and provide an opinion based solely on this review.

The petitioner obtained his first Ph.D. in 1989 at Moscow State University. According to the petitioner's curriculum vitae, the petitioner worked at the Moscow Steel and Alloys Institute from 1988 to 1990. The petitioner then spent three years as a "senior member of [the] scientific staff" at "Continent, Moscow Consulting." From 1993 to 2000, the petitioner worked as a teaching assistant and research assistant at Hebrew University, also obtaining a second Ph.D. from that university in 2002. In the summers of 1997, 1998 and 1999, the petitioner was a visiting research associate at the University of Southampton. In spring 1999, the petitioner was a visiting research associate at the University of Lincoln. In 2001, the petitioner began working for User Technology Associates, which contracted him to the U.S. Bureau of Labor Statistics.

The petitioner submitted a joint letter from Professor V. V. Kalashnikov of the Institute for System Studies; V. F. Matveyev, a docent at Moscow University; Professor V. V. Rykov of Gubkin's Institute of Oil and Gas; and S. N. Smirnov an associate professor at Moscow University. The letters indicate that the four authors either opposed or supervised the petitioner's thesis at Moscow University. The authors indicate that the petitioner "is able to fulfil [sic] independent researchers [sic]" and successfully defended his thesis. They further assert that the petitioner's thesis, which addressed the "actual problems of the theory and applications of the coupling method," reflects the petitioner's "high intellectual ability and readiness for thorough and [serious] research work." The authors further assert that the petitioner's work in "leading scientific journals," membership in professional societies, and presentations at conferences "show the seriousness of his purposes." The authors conclude that the petitioner has "fruitful ideas" and that it would "very useful to continue these researchers [sic]." The authors do explain how the petitioner's work has influenced the field or even assert that the petitioner's work has contributed to the field. Rather, the authors appear to characterize the petitioner as competent.

Professor [REDACTED] the petitioner's thesis supervisor at Hebrew University, asserts that the petitioner "developed a new approach for inference from complex sample surveys." Professor [REDACTED] explains that the unequal probabilities inherent in real life samples imply that classical methods of statistical inference can no longer be applied. In the petitioner's approach, the extraction of "the distribution (model) holding for the sample data as a function of the distribution (model) holding in the population and the sample inclusion probabilities" allows the use of standard inference procedures to the sample data. Professor [REDACTED] asserts that applying the petitioner's approach to Linear Regression Modeling, Generalized Linear Modeling and the Prediction of Finite Population Totals and Small Area Estimation outperformed classical design based methods. Professor [REDACTED] asserts that this approach has attracted "great interest world wide and many leading experts and practitioners are now practicing it." According to Professor [REDACTED] this work resulted in the requests for the petitioner to spend summers at Lincoln University and the University in Southampton as well as the job offer from the Bureau of Labor Statistics. Notably, however, Professor [REDACTED] asserts that it was he, not the petitioner, who was requested to write a book on this topic.

Professor [REDACTED] then discusses the petitioner's work on the estimation of variance estimators for Seasonally Adjusted and Trend Estimators relating to the analysis of complex survey data. Professor [REDACTED] notes that the raw estimates that usually accompany variance estimates and indicate their precision are not currently available for Seasonally Adjusted and Trend Estimators. The petitioner extended Professor [REDACTED] method and applied this approach at Israel's Central Bureau of Statistics and the U.S. Bureau of Labor Statistics. The petitioner also presented this work at the Research Conference of the Federal Committee on Statistical Methodology in Washington, D.C. Professor [REDACTED] asserts that both the Central Bureau of Statistics and the Bureau of Labor Statistics are experimenting with this approach "with the clear intention of starting to apply it for routine publication in the near future."

On appeal, Dr. [REDACTED], a professor emeritus at Carlton University, asserts that he was the petitioner's external thesis examiner. He notes that he has authored 150 articles, served as an advisory board member for the U.S. Bureau of the Census and the U.S. National Academy of Sciences and has served on the editorial boards of "flagship journals of the American Statistical Association and the Institute of Mathematical Statistics and others." While such accomplishments make him a highly credible reference, they also suggest that the top level of the petitioner's field is considerably higher than that attained by the petitioner. Dr. [REDACTED] notes that Dr. [REDACTED] has been invited to write a book on theories presented in the petitioner's thesis. An invitation to the petitioner would have been more persuasive. Regardless, as the book has not been written or published, we cannot gauge the impact it may have on the field.

The petitioner submitted two letters from the Bureau of Labor Statistics. [REDACTED] Associate Commissioner for the Office of Survey Methods Research, notes the petitioner's education and experience and asserts that he has worked "on a number of important problems in variance estimation, small domain estimation, statistical disclosure control, calibration estimation and time series analysis." Mr. [REDACTED] letter on appeal adds little information regarding the petitioner's activities prior to the date of filing. Subsequent accomplishments are not relevant to the petitioner's eligibility as of that date. See 8 C.F.R. § 103.2(b)(12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971). Dr. [REDACTED], a senior mathematical statistician in the same office, asserts that he has collaborated with the petitioner since 1999. Dr. Dorfman asserts that the petitioner was so attractive to his office, they "constructed a one-man program for him."

On appeal, [REDACTED] discusses the various projects on which he has collaborated with the petitioner and expresses his positive impression of the petitioner's work. He does not provide specific examples of how

the petitioner has impacted the field. Similarly, Dr. [REDACTED], a professor at the University of Southampton, asserts that the petitioner's work at the Bureau of Labor Statistics is now "under extensive experimentation both in Israel and at the Bureau of Labor Statistics." It is not clear that this experimentation had begun prior to the date of filing. Moreover, this information is not confirmed by officials in Israel. Regardless, while this experimentation suggests that the petitioner's work is promising and gaining nation or international exposure, it is not clear that the work was recognized as a contribution of major significance as of the date of filing.

Dr. [REDACTED], a distinguished professor at the University of Florida, asserts that the petitioner's work has been "applied to many diverse areas of finite population sampling, most recently to Prediction of Finite Population Totals in Small Area Estimation." Dr. [REDACTED] further asserts that the petitioner's research "will receive numerous citations in the years ahead when others start publishing results based on their methodology." Such an assertions suggests that the petition was filed prematurely, before the impact of the petitioner's work can be gauged.

The petitioner also submitted more independent letters. Dr. [REDACTED] Chief Research Statistician at the U.S. National Agricultural Statistics Service (NASS), asserts that he attempted to bring the petitioner to NASS, but was unable to do so. Dr. [REDACTED] characterizes the petitioner as a recognized expert in survey sampling and asserts that the petitioner has made substantial contributions to the field that have advanced knowledge and overall understanding within the field. Specifically, the petitioner has "developed promising new techniques for increasing the accuracy of estimates without ignoring the impact of the survey design," which would improve the techniques used by NASS' sister agency, the Economic Research Service (ERS). Dr. [REDACTED] discusses the importance of these techniques to the types of statistics produced by NASS, but does not indicate that either ERS or NASS are considering adopting the petitioner's techniques.

Dr. [REDACTED] Principal Investigator at the Biostatistics Branch of the Division of Cancer Epidemiology and Genetics of the National Cancer Institute, expresses excitement regarding the petitioner's body of research, applicable to health and behavioral science. Dr. [REDACTED] notes that the petitioner has presented his work at high-profile conferences and published his work in significant journals. Regarding the actual impact of the petitioner's work to biostatistics, however, Dr. [REDACTED] states only that the petitioner's findings "have the potential of being implemented in national intervention programs."

On appeal, Dr. [REDACTED] a professor at Iowa University, provides general praise of the petitioner's work.

The petitioner's area of statistics is research-driven, and there would be little point in publishing techniques that did not add to the general pool of knowledge in the field. According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), an alien's contributions must be not only original but of major significance. We must presume that the phrase "major significance" is not superfluous and, thus, that it has some meaning. See *Walters v. Metro. Educ. Enters.*, 519 U.S. 202, 209 (1997); *Bailey v. U.S.*, 516 U.S. 137, 145 (1995). To be considered a contribution of major significance in the field of science, it can be expected that the results would have already been investigated and confirmed by other experts and applied in their work. Otherwise, it is difficult to gauge the impact of the petitioner's work. As discussed above, the petitioner's independent references do not claim to be influenced by the petitioner's work. While the record includes numerous attestations of the significance and applicability of the petitioner's work, none of the petitioner's references provide examples of how the petitioner's work is already influencing the field. While the evidence demonstrates that the petitioner is a talented statistician with potential, it falls short of establishing that the

petitioner had already made contributions of major significance. Thus, the petitioner has not established that he meets this criterion.

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

The petitioner submitted evidence that he has authored eleven published articles and presented his work at several conferences. 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 are 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." This report reinforces our position that publication of scholarly articles is not automatically evidence of sustained acclaim; we must consider the research community's reaction to those articles.

The record contains evidence that 10 independent statisticians have cited the petitioner's work in the aggregate. The petitioner also submitted six articles by independent statisticians which reflect two cites of the petitioner's 1993 article, two cites of the petitioner's 1990 article, one cite of the petitioner's book chapter and one cite of the petitioner's 1999 article. The petitioner's 1999 article is also cited in the introduction to a book in which he coauthored a chapter. The materials submitted on appeal reflect no more than three citations for any one of the petitioner's articles or book chapters. This number of citations is not evidence that the petitioner's work is widely cited. Thus, the petitioner has not established that he meets this criterion.

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

The director concluded that this criterion relates to the visual arts. On appeal, counsel asserts that the correspondence from Mr. Weinig specifically finds that conference presentations can serve to meet this criterion. Mr. Weinig, however, specifically states that the pieces of evidence in question "pertain primarily to published work by others about the alien's work, evidence of the alien's participation as a judge of the work of others, and evidence of either the alien's original research contributions or authorship of scholarly books and articles." While Mr. Weinig subsequently states, "peer-reviewed presentations at academic symposia . . . would more than likely be solid pieces of evidence," he does not indicate that such presentations would constitute display at an artistic exhibition or showcase or even comparable evidence thereof. The inapplicability of this criterion to the petitioner's field is obvious from its plain language. We consistently hold that conference presentations are much more comparable to the publication of scholarly articles. Thus, the conferences cannot serve to meet this criterion.

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

We have already considered the petitioner's claimed contributions to the field above. The factors to consider for this criterion, according to the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(viii), are the nature of the position the petitioner was hired to fill and the reputation of his employer. The petitioner claims to have played a leading or critical role for the Bureau of Labor Statistics. While the Bureau may have a distinguished

reputation, we cannot conclude that the petitioner, as a contractor for the Office of Survey Methods Research, was hired into a leading or critical role for the Bureau as a whole.

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the alien has achieved sustained national or international acclaim and is one of the small percentage who has risen to the very top of the field of endeavor.

Review of the record, however, does not establish that the petitioner has distinguished himself as a statistician 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 indicates that the petitioner shows talent as a statistician, but is not persuasive that the petitioner's achievements set him significantly above almost all others in his field. 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.