



U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy

[Redacted]

FILE: [Redacted]  
LIN 03 274 52455

Office: NEBRASKA SERVICE CENTER

Date: SEP 20 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:

[Redacted]

**PUBLIC COPY**

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, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained and the petition will be approved.

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. 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.

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.* However, the weight given to evidence submitted to fulfill the criteria at 8 C.F.R. § 204.5(h)(3), or under 8 C.F.R. § 204.5(h)(4), 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).

In this case, the petitioner seeks classification as an alien with extraordinary ability in the sciences, arts, education and business as a therapeutic aromatherapist and reflexologist. The record indicates that the petitioner founded and directed an accredited college offering diploma programs in therapeutic aromatherapy and reflexology in South Africa. With her Form I-140, the petitioner submitted documentation of her accomplishments in her fields. In response to the director's RFE, the petitioner submitted additional evidence regarding her college; her membership, participation in and recognition by professional organizations in her fields; her work to gain official recognition of her fields in South Africa and her service on governmental bodies

to establish professional standards for statutory registration of therapeutic aromatherapists and reflexologists in South Africa; and testimonial letters regarding the impact of the petitioner's teaching, books and therapy.

The director found the record satisfied only one regulatory criterion and consequently did not establish the requisite sustained acclaim. On appeal, the petitioner made two submissions of additional evidence including support letters from Senator Orrin Hatch, her peers and colleagues; testimonial letters from her patients and other individuals who have benefited from her treatment or seminars; additional documentation regarding her honorary membership in two professional associations; and a petition to this office signed by 274 individuals requesting classification of the petitioner as an immigrant.

The petitioner was self-represented below. On appeal, counsel submits two one-page letters, but no brief. We address the evidence submitted and the petitioner's claims 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 petitioner claims to meet this criterion through her honorary membership in two professional associations, the South African Reflexology Society (TSARS) and the Aromatherapy Society of South Africa (ASOSA). The record contains a copy of an "Honorary Membership" certificate awarded to the petitioner on March 24, 2002 "in recognition of valuable contributions to the South African Reflexology Society." In a letter dated March 14, 2004 and submitted with the petitioner's RFE response, [REDACTED] TSARS National Chairperson, confirms that the petitioner is an honorary member of the Society and that "the award was presented to her at our Annual General Meeting in March 2002. Our Honorary Membership is not awarded lightly – we have 6 Honorary members within a total membership of over 600 profession-specific practitioners." The petitioner also submitted a printout from the Society's website which indicates that the Society is a national non-profit professional organization with branches throughout South Africa.

As evidenced by a copy of her certificate, the petitioner was also "duly appointed as a Honorary Member of the Aromatherapy Society of South Africa" in February 2002. A letter dated February 28, 2001 from Karin Corbella, Secretary of the Society, confirms that the petitioner "is the founder member [sic] of the Aromatherapy Society of South Africa, which was formed in October 1997 at the request of qualified therapeutic aromatherapists in the Durban area. Since its inauguration, the society has grown from a regional to a national society." The submitted printouts from ASOSA's website indicate that the society is a non-profit professional organization with 186 members across South Africa. A letter dated March 28, 2004 from J.M. Silva, Chairperson of ASOSA, confirms that the petitioner was awarded honorary membership at ASOSA's annual general meeting on February 11, 2002 in recognition of "1. her support and promotion of the society since its formation on 26 October 1997 and 2. her extra-ordinary [sic] contribution to the establishment of Therapeutic Aromatherapy as a profession in South Africa."

The director found the evidence demonstrated the petitioner's contributions to these societies and their professions, but that the record did not establish that her honorary memberships were granted for her excellence in the field. On appeal, the petitioner submits an electronic mail message from [REDACTED] of TSARS dated January 21, 2005, which explains that the petitioner's honorary membership "was also awarded in reward for excellence in the field of endeavour and is considered as a nationally recognized award." On appeal, the petitioner also submits an electronic mail message dated January 20, 2005 from [REDACTED] of ASOSA,

confirming that the petitioner was “awarded honorary membership in recognition and reward for excellence in the field of endeavor. Please note that her honorary membership . . . is classified by us as a nationally recognized award since she was one of the first to receive it since the inception of the society which is a nationally recognized society.” This evidence demonstrates that TSARS and ASOSA attribute national significance to the petitioner’s honorary memberships, but the societies’ attestations do not provide independent evidence to corroborate the national recognition of the petitioner’s honors. Hence, the petitioner’s honorary memberships in TSARS and ASOSA are not equivalent to nationally recognized prizes or awards. The evidence concerning these memberships is more relevant to and is discussed below under the second criterion.

*(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.*

The petitioner claims to meet this criterion through her membership in the International Council of Reflexologists (ICR), and the Association of Aromatherapists of Southern Africa (AASA), the National Reflexology Association (TNRA), TSARS, ASOSA, the SGB for the Integrated Health Professions (IHP), and the Integrated Health Professions Liaison Committee (IHP LC). The record documents the petitioner’s ICR, AASA and TNRA membership in the first five organizations, but the evidence does not establish that outstanding achievements are prerequisite to membership in any of those associations.

However, the evidence regarding the petitioner’s membership in TSARS and ASOSA meets this criterion. The record shows that the petitioner held several executive positions within TSARS and ASOSA between 1997 and 2003. As discussed above under the first criterion, the petitioner was awarded honorary TSARS membership in 2002. In her March 14, 2004 letter, [REDACTED] TSARS National Chairperson, confirms that the society has awarded this honor to only five other individuals among over 600 total members. [REDACTED] further explains that the petitioner’s “Honorary Membership was awarded in recognition of service to the Society – specifically her leadership role within the association as well as in the quest to establish Reflexology as a profession. [The petitioner], through foresight, led our Society in negotiations with the South African Government with regard to the recognition of Reflexology as a statutorily registered allied health profession. This recognition was passed through an Act of Parliament in 2001.” The submitted printout from the Society’s website specifies five levels of membership, of which only full and veteran members have voting privileges. Full members have been qualified by an accredited school and are practicing reflexologists in good standing and veteran members are retired reflexologists over the age of 70. In her electronic mail message submitted on appeal, [REDACTED] further specifies that the society has three levels of membership and that “[h]onorary members are elected according to their excellence in the field of endeavour.”

In 2002, the petitioner was also awarded honorary membership in ASOSA. The submitted printouts from ASOSA’s website indicate that the society is a national, non-profit professional organization whose work is performed by an executive committee. The March 28, 2004 letter from [REDACTED] ASOSA Chairperson, confirms that the petitioner was appointed as an honorary member in recognition of “1. her support and promotion of the society since its formation on 26 October 1997 and 2. her extra-ordinary [sic] contribution to the establishment of Therapeutic Aromatherapy as a profession in South Africa.” The electronic mail message of [REDACTED] submitted on appeal further explains that ASOSA honorary membership is awarded for excellence in the aromatherapy field and that executive members are leaders in the field recognized for their expertise.

While the record documents the petitioner's nomination to and service on the IHP SGB and the IHP LC, the evidence does not establish that these governmental committees require outstanding achievements of their members. However, the submitted evidence regarding the IHP SGB and the IHP LC and the petitioner's service on these bodies further supports her eligibility under this criterion as an honorary member of ASOSA and TSARS.

The record contains a copy of the petitioner's Certificate of Appointment to the SGB for Health Sciences and Social Services, as registered by the National Standards Body Number Nine, Integrated Health Professions, from June 8, 2000 to June 7, 2003. The petitioner also submitted an excerpt from the July 21, 2000 edition of the Government Gazette of the Republic of South Africa listing her as the ASOSA representative on the IHP SGB. TSARS is also included in the published list of IHP SGB members. In her RFE response, the petitioner submitted a copy of the regulations of the South African Qualifications Authority Act of 1995 pertaining to SGBs. The regulations state that key education and training stakeholder interest groups in the relevant field nominate SGB members. The names of nominees are published and the public is invited to comment on their qualifications. If accepted, the nominees are officially appointed by the National Standards Body. The regulation further specifies that interest groups must nominate individuals "who enjoy credibility in the sub-field in question, who enjoy respect; have the necessary expertise and experience in the sub-field and have the support or backing of the nominating body" along with advocacy, mediation, and critical skills. The regulations also state that SGBs are responsible for establishing the official standards and qualifications for their professional fields.

[REDACTED] of the Allied Health Professions Council (AHPC) of South Africa, explains that the AHPC is a statutory body whose "primary function . . . is to control Allied Health Professions in the Republic of South Africa, which . . . include Therapeutic Aromatherapy and Therapeutic Reflexology. In order to practice an allied health profession in South Africa the practitioners are required, by statutory law, to register with the Council." The IHP LC was established. [REDACTED] states, to establish the official registers for these professions and the committee "played a pivotal role in establishing professional statutory registration and recognition for Therapeutic Aromatherapy, Therapeutic Massage Therapy and Therapeutic Reflexology." Ms. MacDonald confirms that the petitioner represented ASOSA on the IHP LC and that "[m]embers of the IHP LC were nominated by their peers to represent the relevant professions on the liaison committee, as they were judged by their peers as being leaders in their professions."

The record thus indicates that the petitioner represented ASOSA and the interests of TSARS on the IHP LC and SGB and played a leading role in gaining statutory registration and recognition of therapeutic aromatherapy and reflexology in South Africa. This work and her service to ASOSA and TSARS were judged to be outstanding achievements by the senior and executive members of these nationally recognized associations. Accordingly, the resultant honorary ASOSA and TSARS memberships awarded to the petitioner meet this criterion.

*(iii) Published material 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.*

The petitioner submitted 27 documents as evidence under this criterion. Four of these articles are in a foreign language and were submitted without certified translations as required by regulation. Because the petitioner failed to submit certified translations of the documents, we cannot determine whether the evidence supports her eligibility under this criterion. See 8 C.F.R. § 103.2(b)(3). Of the remaining documents, seven only mention

the petitioner in passing or credit her at the end of the article. These articles, published in *The Seattle Times*, *Baby and Me*, *Pathways to Health*, *True Love*, *Essentials Idea Magazine*, and *Your Family*, do not constitute published material about the petitioner relating to her work in her fields. The record contains no evidence that three other articles, ("Top Student Shenette," "Health for Life: We Are What We Eat," and "A Perplexing Illness – Yuppie 'Flu") were published in professional, major trade publications or other major media. Another article published in the April 1991 edition of *You* magazine discusses the petitioner's diagnosis with Myalgic Encephalomyelitis (ME) and her recovery after reflexology treatments. Although this article features the petitioner, it was published 12 years before her petition was filed and does not demonstrate sustained acclaim.

The remaining articles were printed in newsletters of the ICR, TSARS, and ASOSA. The record contains no evidence that the *ICR Newsletter* is a professional or major trade publication, rather than a membership newsletter. [REDACTED] TSARS, in an electronic mail message submitted on appeal, states that the TSARS journal, "in relation to the society and our profession[,] is considered to be a major publications [sic] for our profession as it is the only published material through which therapists are kept well informed or abreast of their profession." [REDACTED] statement is contradicted by the record, which indicates that South African reflexologists have access to at least two other periodicals pertinent to their profession, as evidenced by the submitted excerpts from the *ICR Newsletter* and the letter of [REDACTED] publisher of *Reflexology World*. The record thus does not establish that the TSARS journal is a professional or major trade publication, rather than a membership newsletter.

In an electronic mail message submitted on appeal [REDACTED] of ASOSA explains that the society's journal, *Essence of Health and Beauty*, "is the only journal of its kind circulated in South Africa to Therapeutic Aromatherapists and is therefore considered to be nationally important for therapists in our profession." The record contains an excerpt from the April 2001 edition of *Essence of Health and Beauty* that includes an article entitled "A Tribute to Our Registration Stalwarts!" and contains a detailed biography and description of the petitioner's work in gaining governmental recognition of aromatherapy and reflexology as health professions. Yet even if *Essence of Health and Beauty* was a professional or major trade publication, the evidence submitted does not satisfy this category. A single article about the petitioner printed over two years before her petition was filed does not reflect the requisite sustained acclaim.

On appeal, the petitioner also submits a letter from [REDACTED] writer and broadcaster, who confirms that the petitioner "was interviewed on several occasions during the 1990s for the South African health magazine of which I was editor, *Pathways to Health*, and for a national radio programme of the same name that I produced and presented for the South African Broadcasting Corporation." Yet as noted above, the single submitted article from *Pathways to Health* is not about the petitioner or her work. [REDACTED] further states that the petitioner was "featured in print and on radio not only as a spokesperson for the professional association (reflexology) of which she was an executive member but also for her expertise as a complementary therapist and teacher." However, Ms. Fairall does not specify the date, length or content of the radio interviews with the petitioner and an electronic mail message from the assistant manager of the radio station which broadcasted the interviews explains that she is unable to verify the details concerning the interviews because the records no longer exist. In addition, an excerpt from the *ICR Newsletter* printed in 2000 notes, "South Africa: Durban: Cecilia Salvesen (ICR Director) was interviewed on a local radio station, Radio P. During the half an hour interview she promoted reflexology, world reflexology week and ICR. A good response was received from the program." This evidence indicates that the petitioner was interviewed on a regional radio station and contradicts Ms. Fairall's statement that the petitioner's interviews were broadcast nationally. Moreover, without documentation

of the dates of the petitioner's radio interviews we cannot determine whether they reflect sustained acclaim. 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 petitioner claims to meet this criterion through her service on the Integrated Health Professions Liaison Committee (IHP LC) and the Integrated Health Professions SGB in South Africa from 2000 to 2003. The petitioner submitted evidence that SGBs are established by National Standards Bodies within the South African Qualifications Authority (SAQA). According to submitted printouts from its website, the SAQA is a body of 29 members appointed by the South African Ministers of Education and Labor to establish the governmental authorities responsible for establishing education and training standards and the registration and accreditation of educational institutions. The record includes a copy of the petitioner's IHP SGB certificate of appointment. The SGB regulations state that the functions of an SGB are to establish standards and qualifications for the field, update and review these standards, recommend standards and qualifications to NSBs, and recommend registration criteria for assessors. A January 31, 2001 letter from [REDACTED] Chairperson of the IHP LC, confirms that the petitioner "was nominated to and formally gazetted as a member of the Standards Generating Body for the Integrated Health Professions, to write unit standards for therapeutic aromatherapy, massage therapy and reflexology." Yet the record does not clearly specify how the petitioner's work on the SGB specifically entailed her judgment of the work of other therapeutic aromatherapists or reflexologists.

However, the aforementioned letter of [REDACTED] Registrar of the AHPC, affirms that the petitioner was a member of the IHP LC "accreditation sub-committee . . . responsible for assessing the applications of practitioners wishing to be registered as Therapeutic Aromatherapists and Therapeutic Reflexologists under the Council." The letter of [REDACTED] AHPC Chairperson, confirms the petitioner's service on the IHP LC. The record thus demonstrates that the petitioner served on a national governmental sub-committee responsible for assessing registration applications of aromatherapists and reflexologists in South Africa from 1998 to 2003. Accordingly, the petitioner meets this criterion.

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

The petitioner claims to meet this criterion through her establishment and operation of the Natural Health and Beauty College in South Africa, and her authorship of two books, a compact disc, and other articles. The record does not support this claim.

The record contains a certificate and letters issued by the Department of Education of South Africa which show that the Natural Health and Beauty College was granted conditional registration as a private higher education institution on January 16, 2001. The letters are addressed to the petitioner as "Principal" of the college. The petitioner submitted a printout from the college's website which contains photographs of the petitioner and identifies her as director and principal. The printouts describe the college's diploma courses in therapeutic aromatherapy and reflexology offered in conjunction with the International School of Reflexology and Meridian Therapy of which the petitioner is identified as senior director. In a letter dated February 28, 200 [REDACTED] ASOSA Secretary, explains that "[w]ith the changes in the Education Act which came into effect from 1 January 2001, all private training institutions were required to register their learning programme with the South African Qualification Authority (SAQA) and the Department of Private Higher Institution [sic]. The

Natural Health and Beauty College was the first complementary health college in South Africa to be approved by SAQA and the Department of Private Higher Education.” In a letter dated March 31, 2004 and printed on the letterhead stationary of the Holistic Health Clinic, Jessica Hart affirms that the petitioner’s college was the first provider of therapeutic aromatherapy to be registered and is currently one of only three institutions in South Africa that are authorized to award diplomas in aromatherapy. The record also contains numerous testimonials from the petitioner’s former students describing the impact that the petitioner and her training at the college has had on their lives and careers. While the evidence indicates that the petitioner made valuable educational contributions to her field through her work at the college, the record does not demonstrate that her accomplishments constituted original scientific, scholarly, artistic or business-related contributions of major significance to her field and consistent with the requisite sustained acclaim.

The petitioner submitted copies of her two books, “Aromatherapy for Natural Health and Beauty” and “You Are What You Eat Therefore Let Food be Thy Medicine,” and her compact disc which contains extracts from the former book. Several of the submitted support letters indicate that many individuals have learned, been influenced by, or rely on the petitioner’s books. The petitioner also submitted evidence that her books are on the recommended reading list for therapeutic aromatherapy and reflexology training courses at the Durban Institute of Technology and that her aromatherapy book is used for training and reference purposes by the Potchefstroom Academy in South Africa’s North West province. However, the record does not persuasively establish that the petitioner’s books document original scientific, scholarly, artistic or business-related contributions of major significance to her field. In fact, several of the support letters state that the authors rely on the petitioner’s books for their compendium of information in a reader-friendly manner, not for any original insights or findings made by the petitioner. The petitioner’s publications and their impact in her fields are more relevant to and are discussed below under the sixth criterion.

In her RFE response, the petitioner stated that she is the owner and director of the Natural Health and Beauty Products company and submitted printouts from the company’s website offering her books, essential oils and other products for sale. The printouts do not identify the petitioner as the owner or director of the company and the record contains no other evidence to verify her association with the company or establish that her work has made original business-related contributions of major significance to the field of therapeutic aromatherapy.

Some of the support letters also mention the petitioner’s design of a massage based on lymphatic drainage, which is described in her aromatherapy book, but the record does not demonstrate that this massage is an original scientific or artistic contribution of major significance to the aromatherapy field.

On appeal, the petitioner submits numerous letters from her patients and their families attesting to her successful treatment of their maladies. Most of these letters describe treatment that occurred after the petition was filed and consequently cannot be considered. The petitioner must establish eligibility at the time of filing; a petition cannot be approved at a future date after the petitioner becomes eligible under a new set of facts. *See* 8 C.F.R. § 103.2(b)(12), *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971). The remaining letters indicate that the petitioner is an effective therapist, but they do not demonstrate that her work as a practitioner has made original and major contributions to her field.

The relevant evidence documents the petitioner’s active involvement in and contributions to her profession, but the record does not demonstrate that the petitioner’s work has been recognized as making original scientific, scholarly, artistic, or business-related contributions of major significance to her field in a manner consistent with the requisite sustained 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 petitioner submitted copies of her books, "Aromatherapy for Natural Health and Beauty" and "You Are What You Eat Therefore Let Food be Thy Medicine." These books were both "published by Salvesen Publishers" in 2000. The submitted books show that the petitioner's aromatherapy book has been issued in three editions and her nutrition book has been issued in two editions. Several of the submitted support letters and testimonials demonstrate the influence of the petitioner's books on various individuals who have met, worked with or been treated by the petitioner. The petitioner also submitted evidence that her books are on the recommended reading list for therapeutic aromatherapy and reflexology training courses at the Durban Institute of Technology and that her aromatherapy book is used for training and reference purposes by the Potchefstroom Academy. Yet the only independent assessment of the petitioner's publications is an undated two-paragraph review of "Aromatherapy for Natural Health and Beauty" from an unidentified source. In addition, the record contains no sales, printing or distribution records for the books or other evidence that they have been widely sold or distributed in South Africa or other countries. The petitioner also submits no evidence that her books have been cited in the scholarly publications of other therapists or researchers in her fields.

The petitioner also claimed eligibility under this criterion through her authorship of articles published in three newspapers and two newsletters, but the record contains no evidence that these periodicals are professional, major trade publications or other major media. 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 did not claim eligibility under this criterion, but she requests classification as an alien with extraordinary ability in the arts (as well as the sciences, education and business). In so much as the petitioner's profession might be classified as an art, we address the relevant evidence under this criterion.

The record shows that the petitioner has spoken at various conferences in her field. A letter from [REDACTED] Director of the Aromatherapy Education Institute (AEI), states that AEI invited the petitioner to be keynote speaker at our inaugural training event, held in Salt Lake City, Utah, January 15-16, 2001. At the training, she demonstrated ample evidence of professional knowledge and expertise as well as extraordinary abilities in teaching and lecturing." Yet a letter from [REDACTED] Founder and President of the Phyto-Aromatherapy Institute, states that the petitioner was a "guest speaker" at the AEI seminar. The record contains no documentation from the AEI seminar to resolve this discrepancy concerning the significance of the petitioner's speaking engagement. In addition, the record does not demonstrate that the AEI training was a major national or international event in this field.

In a letter dated October 15, 200 [REDACTED] Founding President of ICR, states that the petitioner has lectured "at ICR conferences on numerous occasions, most recently in Rome in September 2001." An excerpt from a program for this conference includes a picture and short biography of the petitioner, but does not indicate that she was a speaker at the conference.

The January 31, 2001 letter of [REDACTED] Chairperson of TSARS, explains that TSARS holds biannual national conferences for members and that the petitioner "accepted an invitation to be a keynote speaker at 2 of the conferences over the past 8 years." An excerpt from the Sixth National Congress of TSARS includes the

petitioner in a list of confirmed speakers, but does not state that she was a keynote speaker. The record also includes a certificate stating that the petitioner presented a two-hour workshop on "Different Techniques in Relexology" at the TSARS Fifth National Congress in 2000. A second "certificate of participation" merely affirms the petitioner's attendance at the Second Congress of TSARS in 1993.

The petitioner also submitted evidence that she was a guest speaker at "Woman's Day 2001" organized by the South African Women's Forte and the Directorate of Arts Culture and Youth Affairs for the North Durban Region of the Kwazulu-Natal Department of Education and Culture. The record contains no evidence that this event was related to the petitioner's field. The record also fails to document the significance of the petitioner's seminar on the "Ten Stages of Disease," documented on appeal with photographs of the petitioner speaking to a large group at American Fork, Utah in January 2003.

The record documents various speaking engagements of the petitioner, but it does not demonstrate that her talks were featured in a manner consistent with sustained national or international acclaim in her fields. Accordingly, 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 petitioner initially claimed to meet this criterion because she was a featured speaker at conferences and gave eight radio interviews. As discussed above under the third and seventh criteria, the record does not persuasively document the significance of the petitioner's speaking engagements and radio interviews or their purported national or international purview. Moreover, speaking at events sponsored by organizations or establishments is not prima facie evidence of performing a leading or critical role for those organizations or establishments.

The petitioner also claims, on her Form I-140 and in her RFE response, to be a "Chief Executive Officer" of a company. In her RFE response, the petitioner states, "My field of expertise is Therapeutic Aromatherapist and Reflexologist but my position with Software Futures Inc. is that of Chief Executive Officer." In this position, the petitioner "intend[s] to develop and market software educational programs regarding [her] fields of expertise." The petitioner submitted no documentation of Software Futures, Inc. or her role within this purported company. 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)).

In her RFE response, the petitioner also claimed to meet this criterion through her work with TSARS, ASOSA, ICR, the IHP SGB, and the IHP LC. The record shows that the petitioner has held executive positions with TSARS, ASOSA and ICR. The January 28, 2001 letter from [REDACTED] ICR President, states that the petitioner is one of seven directors on the ICR Board and that she is the senior editor of the *ICR Newsletter*. Although this letter and an April 8, 2004 letter from Christine Issel, Founding President of ICR, attest to the council's international membership and activities, the record contains no independent evidence of ICR's distinguished reputation.

The May 18, 2000 letter of Jessica Hart, TSARS Chairperson, confirms that the petitioner served on the society's executive committee for 11 years, during which she was Chairperson for two years and Vice-Chairperson for seven years. The February 28, 2001 letter of [REDACTED] ASOSA Secretary, affirms that the petitioner was a founding member of ASOSA, served as an Executive Committee member since 1997, and

represents the society on the IHPLC. The record also documents the petitioner's representation of ASOSA on the IHP SGB from 2001 to 2003. Both ASOSA and TSARS are included on the IHP SGB list published in the July 21, 2000 edition of the South African Government Gazette. The submitted printout of the SGB regulations states that organizations wishing to be represented on SGBs must demonstrate that they are "key education and training stakeholders" in their field "drawn from interest groups and specialists who have been identified in accordance with the requirements of the Authority." In addition, the regulation states that the names of organizations and their representatives who wish to be included in an SGB will be published and subject to public comment on their "acceptability." The published IHP SGB list and the SGB regulations provide independent evidence that ASOSA and TSARS have distinguished reputations as organizations officially recognized by the South African government.

As discussed above under the first and third criteria, the record documents the petitioner's service on the IHP LC and the IHP SGB. Yet the evidence does not demonstrate that she played a leading or critical role on either of these bodies. Rather, her service on the IHP LC and IHP SGB reflects the leading and critical role she performed for ASOSA and TSARS in gaining official recognition and statutory registration of therapeutic aromatherapy and reflexology by the South African government.

The January 31, 2001 letter of [REDACTED] TSARS National Chairperson, explains that the petitioner

always demonstrated active participation and strong leadership in the management of this society and has worked tirelessly for the members. Her commitment to the statutory registration of therapeutic reflexology in South Africa extends back as far as 1990 . . . . When the interim council for the Chiropractors, Homeopaths and Allied Health Service Professions was formed in 1995, [the petitioner] was instrumental in forming an umbrella group representing reflexology training institutions, the National Reflexology Association, so that a unified petition could be made to [the] government for registration of therapeutic reflexology. Under her chairmanship, the National Reflexology Association set in motion the registration process which culminated in the Allied Health Professions Act being passed by the National Assembly on 3<sup>rd</sup> November 2000.

The March 14, 2004 letter from [REDACTED] current TSARS National Chairperson, submitted as Attachment 17 with the petitioner's RFE response, further explains that "[d]uring her terms of office as National Chairperson, [the petitioner] steered the Society into a new arena, with a new vision, culminating with the recognition of Reflexology as a profession in this country. She established [TSARS] as a leader amongst like-minded professional associations, both nationally and internationally. . . . [and] she brought credibility to the Society and the profession of Reflexology by steadily addressing objections, dispelling myths, and generally raising consciousnesses of the general public." In a letter dated April 8, 2004, [REDACTED] ICR, affirms that the petitioner "was President of the Reflexology Society of South Africa and directly involved in the process of setting educational standards that eventually led to the legalization and licensure of Reflexology by the South African government."

Similarly, the March 28, 2004 letter of [REDACTED] ASOSA Chairperson, affirms that the petitioner made an "extra-ordinary [sic] contribution to the establishment of Therapeutic Aromatherapy as a profession in South Africa [REDACTED] explains that "[r]ecognition of Therapeutic Aromatherapy as a profession in South Africa was achieved when the Allied Health Professions Act was implemented on 12 February 2001. [The petitioner] campaigned tirelessly for the recognition of reflexology since 1990, and with regard to aromatherapy, was involved with renewed discussion with the new government since 1995. She represented the society on the

[IHPLC] . . . holding two portfolios: Liaison Committee representative and Education representative. Her expertise is nationally recognized as she was nominated and formally gazetted as a member of the [IHP SGB], to write unit standards for therapeutic aromatherapy, massage therapy and reflexology.” The petitioner's IHP SGB certificate of appointment and the submitted excerpts from the South Africa Government Gazette confirm that the petitioner represented ASOSA on the IHP SGB.

The petitioner held executive positions with ASOSA for six years and with TSARS for over a decade directly or shortly preceding the filing of this petition. The record demonstrates that these associations are distinguished organizations that are officially recognized by the relevant governmental health authority in South Africa. On behalf of ASOSA, TSARS and their representative fields, the petitioner was a leader in gaining official recognition and statutory registration of therapeutic aromatherapy and reflexology in South Africa. Accordingly, the petitioner meets this criterion through her leading and critical roles for ASOSA and TSARS.

In review, while not all of the evidence carries the weight imputed to it by the petitioner, the record establishes that the petitioner achieved sustained national acclaim in South Africa as a therapeutic aromatherapist and reflexologist who was awarded honorary membership in two national associations in her fields for her outstanding achievements, who judged the work of others in her fields for a national governmental body and who performed in leading and critical roles for two nationally recognized professional organizations in her fields. The record further demonstrates that the petitioner seeks to enter the United States to continue work in her area of extraordinary ability and that her entry will substantially benefit the United States. The petitioner is thus eligible 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 her petition will 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. The petitioner has sustained that burden.

**ORDER:** The decision of the director is withdrawn. The appeal is sustained and the petition is approved.