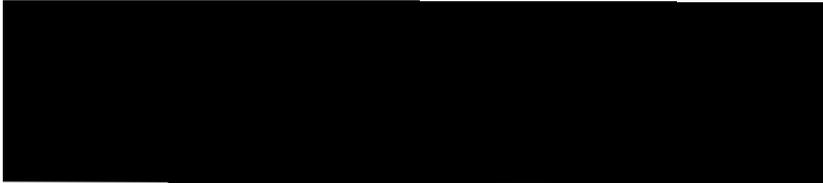




U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: JUN 22 2007

LIN 05 110 50371

IN RE:

Petitioner:



Beneficiary:



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

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann
Robert P. Wiemann, Chief
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 (AAO) 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. 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 argues that the materials submitted along with the petition and in response to the director's request for evidence "clearly establish that the petitioner . . . is truly one of the very few scientists at the very top of the field of polymeric hydrogel research and applications." Counsel further argues that the petitioner's evidence meets five of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

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.

Citizenship and Immigration Services (CIS) and legacy Immigration and Naturalization Service (INS) have consistently recognized that Congress intended to set a very high standard for individuals seeking immigrant visas as aliens of extraordinary ability. *See* 56 Fed. Reg. 60897, 60898-9 (November 29, 1991). 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. § 204.5(h)(3). The relevant criteria will be addressed below. It should be reiterated, however, that the petitioner must show that he has sustained national or international acclaim at the very top level.

This petition, filed on March 1, 2005, seeks to classify the petitioner as an alien with extraordinary ability as a medical researcher. At the time of filing, the petitioner was working as a Research Associate in the Department of Ophthalmology and Visual Sciences, School of Medicine, Washington University, St. Louis

(WUSL). In June 2005, the petitioner joined the Department of Bioengineering at the University of Utah, Salt Lake City (UUSLC).

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. A petitioner, however, cannot establish eligibility for this classification merely by submitting evidence that simply relates to at least three criteria at 8 C.F.R. § 204.5(h)(3). In determining whether the petitioner meets a specific criterion, the evidence itself must be evaluated in terms of whether it is indicative of or consistent with sustained national or international acclaim. 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). The petitioner has submitted evidence pertaining to the following criteria.

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

The petitioner submitted a certificate reflecting that he received Second Prize (U.S. \$50.00) for best paper and presentation at the Tenth National Symposium and Workshop on Thermal Analysis held at the Defense Materials and Stores Research and Development Establishment in Kanpur, India in December 1995. The petitioner also submitted a certificate reflecting that the Muslim Association for the Advancement of Science conferred him with a "Best Paper Award for the year 1995." The plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(i), specifically requires that the awards or prizes be nationally or internationally *recognized* and it is the petitioner's burden to establish every element of a given criterion. In this case, however, there is no evidence such as press coverage surrounding the petitioner's awards, the level of expertise of those considered, the number of individuals eligible to compete, or the geographic area from which the individuals eligible for consideration for the latter award were drawn to demonstrate the number of awards given, the criteria for granting these awards or other evidence showing that the awards command a substantial level of recognition.

The petitioner submitted test results for the Joint Council of Scientific and Industrial Research (CSIR) – University Grants Commission (UGC) of India Junior Research Fellowship (JRF)/Lectureship Examination held on December 30, 1990 informing the petitioner that he was "declared successful under the Eligibility for Lectureship." The petitioner also submitted a certificate from the UGC stating that the petitioner "qualified at the Joint CSIR-UGC Test for JRF and Eligibility for Lectureship held in June 1991 in the subject CHEMICAL SCIENCE and, is eligible, if admitted to a University/Institution to receive the Junior Research Fellowship of the University Grants Commission." We do not find that successfully passing a standardized test constitutes a prize or award "for excellence in the field of endeavor." Further, we note that eligibility for the preceding Junior Research Fellowship and lectureship was limited to students seeking to pursue graduate studies. University study is not a field of endeavor, but rather training for future employment in a field of endeavor. Receipt of educational funding from the UGC is not an indication that the petitioner has reached the "very top of the field of endeavor." See 8 C.F.R. § 204.5(h)(2).

The petitioner submitted a Macro '98 Certificate of Appreciation "for sharing ideas and insights as part of the IUPAC [International Union of Pure and Applied Chemistry] International Symposium on Advances in Polymer Science and Technology." The petitioner also submitted a Macro '98 Certificate of Appreciation stating that the petitioner "participated in the IUPAC International Symposium on Advances in Polymer Science and Technology." There is no evidence showing that these certificates are nationally or internationally recognized awards for excellence in the field, rather than simply an acknowledgment of the petitioner's participation in the Macro '98 symposium.

The petitioner submitted a "Letter of Award" from the Japan Science and Technology Corporation stating that he was "approved as an awardee of the STA [Science and Technology Agency] Fellowship" for a training "period of 24 months." The petitioner also submitted a "Certificate of Occupation" issued by the New Energy and Industrial Technology Development Organization of Japan reflecting that he participated in a nineteen-month fellowship at the Osaka National Research Institute. The petitioner's fellowships reflect his selection for temporary scientific training opportunities rather than nationally or internationally recognized prizes or awards for excellence in the field. The preceding fellowships are granted not to established scientists with active professional careers, but rather to individuals seeking to further their research training and experience. The petitioner cannot artificially restrict his field to exclude all those researchers who have long since completed their postdoctoral research training and therefore do not compete for such fellowships. Therefore, we find it implausible for the petitioner to argue that his eligibility for postdoctoral training opportunities elevates him to a level above almost all others in his field.

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.

In order to demonstrate that membership in an association meets this criterion, the petitioner must show that the association requires outstanding achievement as an essential condition for admission to membership. Membership requirements based on employment or activity in a given field, minimum education or experience, standardized test scores, grade point average, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion as such requirements do not constitute outstanding achievements. Further, the overall prestige of a given association is not determinative; the issue here is membership requirements rather than the association's overall reputation.

The petitioner submitted evidence of his membership in the American Chemical Society (ACS), the American Association for the Advancement of Science, and the Society for Biomaterials. The petitioner also claims membership in the ACS Polymer Division, Indian Chemical Society, and the Society for Polymer Science, India, but the record includes no first-hand evidence confirming his membership in these organizations. Going on record without supporting documentary evidence is not sufficient for purposes of meeting 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)). Nor has the petitioner submitted evidence of the membership bylaws or the official admission requirements for the above associations.

A December 20, 2004 letter from [REDACTED] Director of Member Services for the Association for Research in Vision and Ophthalmology (ARVO), states that the petitioner is a “member in good standing” in the ARVO. Her letter further states:

Membership is restricted to individuals demonstrating a serious interest in or making significant contributions to visual science. This may be evidenced by: (a) scientific publications; (b) attendance at ophthalmological or visual science meetings; (c) direct involvement in research, or (d) other similar activity satisfactory to the Board of Trustees. An applicant is eligible for membership in ARVO only on the recommendation of a member who has knowledge of the quality of the applicant’s research efforts.

ARVO is the premiere and the world’s largest association of over 11,000 scientists from more than 70 countries, who conduct research in vision and ophthalmology.

We do not find that “demonstrating a serious interest in . . . visual science” is tantamount to outstanding achievement in that field. Further, while membership in the ARVO requires “the recommendation of a member who has knowledge of the quality of the applicant’s research efforts,” the letter from Barbara B. Hollis includes no indication that the recommending member must be a nationally or internationally recognized expert in the field.

In addressing the criterion at 8 C.F.R. § 204.5(h)(3)(ii), the director’s decision stated:

The alien self-petitioner submitted evidence of his membership in several associations in the field, but submitted documentary evidence of the membership requirements for only The Association for Research in Vision and Ophthalmology, in the form of a letter from the Director of Member Services. This letter states that membership is restricted to individuals demonstrating a serious interest in or making significant contributions to visual science, evidenced by scientific publications, attendance at ophthalmological or visual science meetings, direct involvement in research, or other similar activity satisfactory to the Board. It does not appear that membership in this association qualifies the petitioner under this criterion, as the requirements for membership fall short of the regulatory requirement for outstanding achievements. Although no documentary evidence of the criteria for membership in any of the other listed organizations was submitted, a review of the websites for several of these groups clearly indicates that they do not meet this criterion. The website for the American Chemical Society, which states that “Membership is for Everyone,” indicates that membership is available to applicants with as little as a bachelor’s degree in an ACS approved chemical science program. The American Association for the Advancement of Science website states that membership is open to all individuals who support the goals and objectives of the Association and are willing to contribute to the achievement of those goals and objectives. No membership criteria were found for the ACS Polymer Division, the Indian Chemical Society, or the Society for Polymer Science in India. Therefore, the record does not show that the petitioner is a member of an association which requires outstanding achievements for membership.

We concur with the director’s observations. In this case, there is no evidence showing that admission to membership in the preceding associations required outstanding achievement or that the petitioner was

evaluated by national or international experts in consideration of his admission to membership. Therefore, 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.

In order for published material to meet this criterion, it must be primarily about the petitioner and, as stated in the regulations, be printed in professional or major trade publications or other major media. To qualify as major media, the publication should have significant national or international distribution. Some newspapers, such as the *New York Times*, nominally serve a particular locality but would qualify as major media because of significant national distribution, unlike small local community papers.¹

The petitioner submitted a September 9, 2003 article by [REDACTED], Associate Director of Broadcast Services, WUSL, entitled "Lens replacement material may improve cataract treatment, eliminate bifocals," that was posted on WUSL's internet website and by online publications such as *Science Daily*, *e4engineering.com*, *AMA TechTel*, *EurekaAlert*, *Medical News Today*, and *BrightSurf.com*. The petitioner also submitted a September 8, 2003 article by [REDACTED] United Press International (UPI) Senior Science Writer, entitled "New material could rejuvenate aging eyes," that appeared in *The Washington Times* and that was posted on the internet websites of UPI, *Hindustan Times*, and WUSL. The preceding articles by [REDACTED] of WUSL and [REDACTED] of UPI report on research findings described in a paper coauthored by the petitioner for presentation at the 226th national meeting of the ACS in New York in September 2003. These articles extensively quote the first author of the conference paper, [REDACTED], a graduate assistant, and [REDACTED] the Principal Investigator of the research project, but only mention the petitioner's name in passing.² Additional articles appearing in the online publication *WebMD*, *The Hindu*, *USA Today*, the Winter 2003 issue of *Outlook* (a WUSL School of Medicine publication), and the December 2003 issue of *Optics and Photonics News* do not mention the petitioner's name. The plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(iii), however, requires the published material to be about the petitioner. If the petitioner himself is not the primary subject of the material or is not actually named in the material, then it fails to demonstrate his national or international acclaim.

In response to the director's request for evidence, the petitioner submitted an article appearing in the February 2005 issue of *Chemistry World* entitled "Clearer vision," but this article only mentions and quotes [REDACTED]. While the article does include a reference to a paper the petitioner coauthored with [REDACTED] that was published in *Biomacromolecules*, the article in *Chemistry World* is not primarily about the petitioner.

In addressing the preceding evidence, the director's decision stated:

In order to meet this criterion, the material submitted must be primarily about the alien. The record includes a number of articles about a research project in which the petitioner participated, studying a

¹ Even with nationally-circulated newspapers, consideration must be given to the placement of the article. For example, an article that appears in the *Washington Post*, but in a section that is distributed only in Fairfax County, Virginia, for instance, cannot serve to spread an individual's reputation outside of that county.

² The petitioner's name is briefly mentioned only once in the articles along with lab technician Paul Hamilton.

new eye lens replacement material. However, while both the principal investigator of the project and the first author of the paper that prompted the articles are quoted at length, the petitioner himself is mentioned only briefly as another member of the team. Therefore, these articles do not constitute persuasive evidence of his sustained national or international acclaim.

We concur with the director's observations.

The petitioner also submitted a number of scientific journal articles that merely reference his published work. As stated previously, 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. In this case, the articles that cite the petitioner's work are primarily about the author's work, not the footnoted material identifying the petitioner. We cannot ignore that the articles citing the petitioner's work similarly referenced numerous other authors. In the petitioner's field, it is the nature of research work to build upon work that has gone before. In some instances, prior work is expanded upon or supported. In other instances, prior work is superseded by the findings in current research work. In either case, the current researcher normally cites the work of the prior researchers. Clearly this is not the same thing as published material written about an individual's work in the field. This type of material does not discuss the merits of an individual's work, the individual's standing in the field, or any significant impact that his or her work has had on work in the field. Citations of the petitioner's work will be further addressed under the "authorship of scholarly articles" criterion at 8 C.F.R. § 204.5(h)(3)(vi).

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.

The petitioner submitted letters of support mostly written by his superiors and immediate colleagues from institutions where he has worked,

[REDACTED], Associate Professor in the Department of Ophthalmology and Visual Sciences, School of Medicine, and an Affiliate Professor in the Department of Chemical Engineering, WUSL, is also Chief of Ophthalmology at the Veteran Affairs (VA) Medical Center, St. Louis. [REDACTED] who was the petitioner's postdoctoral research supervisor at WUSL, states:

The research I am pursuing at the VA medical center is focused on the exploration of and development of a treatment for presbyopia. Presbyopia is a condition that afflicts all of us and is currently treated inadequately with bifocal lenses. . . . For the last ten years the above research being performed at the VA has been funded by the VA Merit Review Grant.

[The petitioner] joined my research group in April 2001 as a post-doctoral research fellow. [The petitioner's] essential role in this project was to synthesize hydrogels. The material was designed so that it could be injected and gelled inside the pre-evacuated lens capsular bag. He successfully followed established protocols and synthesized thiol containing polymeric material that would spontaneously gel when exposed to oxygen. The mechanical properties of the material facilitated

other members in the research group to investigate the viscoelastic properties of lens and biomechanics of accommodation (auto focusing) process of the eye.

On another research project [the petitioner] successfully prepared polymeric nanogels (nanoparticles) through intramolecular crosslinking (chemical reaction between reactive groups within the polymer chain). His diligence in meticulously following instructions has led to the preparation of polymeric proteo-mimetics (protein-like) materials which has potential application as artificial lens substitute.

We acknowledge [redacted] research group's development of a material that has "potential application" as an artificial lens substitute." While this material was the subject of media coverage discussed under the preceding criterion, there is no evidence that this technology rises to the level of a contribution of major significance specifically attributable to the petitioner. For example, [redacted] notes that the petitioner was diligent "in meticulously following instructions" that led to the preparation of the substance, but there is no evidence that the petitioner is listed as an inventor of the patented gel or that the gel has fulfilled the expectations discussed in the media articles. Further, the articles indicate that the material "could rejuvenate aging eyes" and "may improve cataract treatment," but there is no evidence of clinical trials or marketing data showing the technology has been successfully introduced to market or that it has already had a substantial national or international impact.

In addressing the evidence submitted for this criterion, the director's decision stated:

The record contains letters which were predominantly written by the [petitioner's] research collaborators, mentors or supervisors in support of the petition and as such, their probative value is somewhat limited by these previous relationships. It is true that some of the authors of those letters appear to be experts in the [petitioner's] field, but the record, at present, does not establish that the petitioner's accomplishments have been recognized as having advanced the field to a greater degree than others involved in similar pursuits by members of the greater scientific community. It is generally expected that an individual whose accomplishments have garnered sustained national or international acclaim would have received recognition for his accomplishments well beyond the circle of his personal acquaintances. In other words, if the petitioner's work is not widely praised apart from his personal and professional associates, then it cannot be concluded that he enjoys sustained national or international acclaim. It is expected that the record include a wider range of letters considering the extremely restrictive immigrant category that has been requested.

Given that the petitioner's work on projects involving artificial lens substitutes is touted as among his most significant contributions, it is curious that the wording of the letter from the principal investigator of that project, [redacted] is not more effusive. [redacted] states that the petitioner "successfully followed established protocols" and showed "diligence in meticulously following instructions" while working on these projects. While complementary to the petitioner, these comments do not appear to describe a scientist at the top of his field of endeavor.

In response to the Service's request for additional evidence of his eligibility for this classification, the petitioner submitted another letter from [redacted], Principal Scientist at Kerr McGee Chemical LLC. [redacted] favorably describes the petitioner's work and publications, and describes

him as “one of the most promising researchers in a scientific field which is experiencing great demand in the U.S. at the present time.” This description as a “promising” researcher is in line with the Service’s conclusion that the petitioner has not yet reached the level of acclaim necessary for this classification.

We concur with the director’s observations.

On appeal, the petitioner submits a letter of support from [REDACTED] Professor in the Department of Bioengineering, Director of the Keck Center for Tissue Engineering, and Associate Dean for Research of the College of Engineering at UUSLC. [REDACTED] states:

[The petitioner] has been working in the Bioengineering department since June 2005 in an important project sponsored by International Partnership for Microbicides (IPM) towards the development of HIV (AIDS) prevention options for women worldwide. In a short period, because of his unique skills in the design, synthesis and characterization of polymer systems he has made a significant contribution to this project in developing new strategies for the delivery of anti-HIV drugs for the prevention of HIV transmission. Very specifically, his extensive expertise on polymeric materials enabled him to make an outstanding contribution in bringing-up a first generation polymeric formulation for the prevention of HIV transmission. Prior to joining in the Bioengineering department, he has been actively engaged in several very important research projects at different world-renowned institutions in USA, Japan and India.

We note that the petitioner’s work at UUSLC occurred subsequent to the petition’s filing date. A petitioner, however, must establish eligibility at the time of filing. 8 C.F.R. § 103.2(b)(12); see *Matter of Katigbak*, 14 I&N Dec. 45 (Comm. 1971). Accordingly, the AAO will not consider the petitioner’s work at UUSLC in this proceeding.

[REDACTED]’s letter further states:

[The petitioner] has presented and published his work in many international meetings and journals respectively. His research contributions are original and extraordinary and have been published in highly reputed and internationally circulated journals. . . . He has published his outstanding work in *Biomacromolecules*, a leading journal from ACS publishing research on polymers for biological applications. He has also published in another internationally circulated journal, *Journal of Bioactive and Compatible Polymers*. He has also contributed a chapter titled, “Tissue reactions to prosthetic materials” in the book, “The Bionic Human,” published recently by Humana Press, NJ, USA.

In discussing the petitioner’s contributions at WUSL, Dr. Tresco’s letter repeats the assertions contained in an August 31, 2005 letter from [REDACTED], who is the petitioner’s current research supervisor and a Professor in the Department of Bioengineering at UUSLC. Professors [REDACTED] and [REDACTED] both credit the petitioner with publishing his work in internationally circulated journals. The petitioner’s published work, however, relates to the “authorship of scholarly articles” criterion at 8 C.F.R. § 204.5(h)(3)(vi), a criterion that, as will be discussed, we find the evidence in this case adequately satisfies. Here it should be emphasized that the regulatory criteria are separate and distinct from one another. Because separate criteria exist for

authorship of scholarly articles and original contributions of major significance, CIS clearly does not view the two as being interchangeable. If evidence sufficient to meet one criterion mandated a finding that an alien met another criterion, the requirement that an alien meet at least three criteria would be meaningless. We will fully address the research articles coauthored by the petitioner under the next criterion.

While the petitioner's research is no doubt of value, it can be argued that any research must be shown to be original and present some benefit if it is to receive funding and attention from the scientific community. Any Ph.D. thesis or published research, in order to be accepted for graduation, publication or funding, must offer new and useful information to the pool of knowledge. It does not follow that every researcher who performs original research that adds to the general pool of knowledge or who follows protocols and instructions developed by others has inherently made a contribution of major significance 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.

The appellate submission also includes a letter of support from [REDACTED] Professor, Department of Biomedical Engineering, Duke University, stating:

I have known [REDACTED], [the petitioner's] supervisor, for approximately eight years, and collaborate in research with him in our attempts to curtail the spread of AIDS.

* * *

[The petitioner's] research at Washington University in St. Louis is an exceptional contribution to medical science. There he was part of a team that developed an artificial intraocular prosthesis for the correction of presbyopia (the universal loss of near vision associated with aging). [The petitioner] developed a unique set of materials that could have a long term impact on this disease.

We cannot ignore [REDACTED] observation that the petitioner's work at WUSL "could have a long term impact." With regard to the witnesses of record and the media reports discussed under the preceding criterion, we note that they discuss what may, might, or could one day result from the petitioner's work, rather than how his past research efforts at WUSL already qualify as a contribution of major significance. A petitioner cannot file a petition under this classification based on the expectation of future eligibility. *See Matter of Katigbak*, 14 I&N Dec. at 45.

In this case, the letters of support provided by the petitioner's professional contacts are not sufficient to meet this criterion. The opinions of experts in the field, while not without weight, cannot form the cornerstone of a successful extraordinary ability claim. CIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm. 1988). However, CIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; CIS may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796. Thus, the content of the experts' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited

by an alien in support of an immigration petition are of less weight than preexisting, independent evidence of original contributions of major significance that one would expect of a researcher who has sustained national or international acclaim. Without extensive documentation showing that the petitioner's work has been unusually influential or highly acclaimed throughout the greater field, we cannot conclude that his work rises to the level of a contribution of major significance.

In light of the above, 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 of his coauthorship of articles appearing in publications such as *Biomacromolecules* and *Journal of Applied Polymer Science*. The petitioner also submitted evidence showing that he coauthored a book chapter with [REDACTED] appearing in *The Bionic Human*. The record also includes citation indices and copies of articles citing the petitioner's work demonstrating some measure of interest in his published research.³ Therefore, we find that the petitioner's evidence is adequate to satisfy this criterion.

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

In order to establish that he performed a leading or critical role for an organization or establishment with a distinguished reputation, the petitioner must establish the nature of his role within the entire organization or establishment and the reputation of the organization or establishment.

The petitioner submitted documentation indicating that he has held research positions at UUSLC, WUSL, the Osaka National Research Institute, and the Central Leather Research Institute in India. In addressing the petitioner's evidence, the director's decision stated that "the record contains insufficient evidence that the petitioner has exceeded the contributions of other researchers at the various institutions where he has been employed to the point where he could be said to occupy a leading or critical role." We concur with the director's observation. We cannot ignore that the petitioner's role at WUSL and the Osaka National Research Institute was that of a postdoctoral researcher. This subordinate role is intended to provide temporary scientific training for a future professional career in one's field. When comparing the roles and responsibilities of the petitioner with those of his superiors who have offered letters of support, it becomes immediately apparent that the importance of their roles and responsibilities far exceeded that of the petitioner. While we accept the petitioner has worked for organizations that have earned a distinguished reputation, there is no evidence showing that his role was of significantly greater importance than that of the other researchers employed by these organizations (including tenured professors such as [REDACTED]). The record does not demonstrate that the petitioner was responsible for the organizations' success or standing to a degree consistent with the meaning of "leading or critical role."

³ According to the "Web of Science" citation indices submitted by the petitioner, the greatest number of cites to any single article coauthored by him was ten.

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

In this case, we concur with the director's finding that the petitioner has failed to demonstrate his receipt of a major internationally recognized award, or that he meets at least three of the criteria that must be satisfied to establish the sustained national or international acclaim necessary to qualify as an alien of extraordinary ability.

Review of the record does not establish that the petitioner has distinguished himself to such an extent that he may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of his field. The evidence is not persuasive that the petitioner's achievements set him significantly above almost all others in his field at the national or international level. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A)(i) 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.