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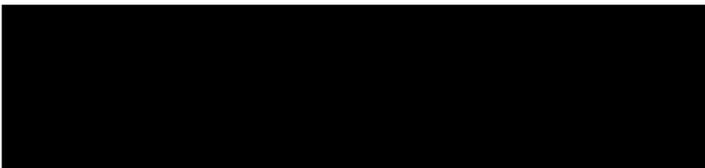


FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: MAY 09 2007
EAC 05 145 52103

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

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

Maura Deadrick
fr Robert P. Wiemann, Chief
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 (AAO) on appeal. The appeal will be dismissed.

The petitioner, a telecommunications company, seeks to classify the beneficiary 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 business. The director determined the petitioner had not established that the beneficiary has earned the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, counsel argues that the beneficiary satisfies at least three of the regulatory criteria set forth 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 the beneficiary has sustained national or international acclaim at the very top level. 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), depends 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.”

This petition, filed on April 22, 2005, seeks to classify the beneficiary as an alien with extraordinary ability in the field of telecommunications business development. At the time of filing, the beneficiary was a Senior Vice President, [REDACTED] and Operations Support, and Chief Information Officer (CIO) at [REDACTED].

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 a major internationally recognized award, the regulation at 8 C.F.R. § 204.5(h)(3) 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 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 information printed from Telcordia Technologies, Inc. internet website stating that the company received the Defense Advanced Research Projects Agency (DARPA) Experimentation Pioneer Award for Smart Firewalls in 2002 and the 2003 Institute of Electrical and Electronics Engineers (IEEE) Communications Society’s Fred W. Ellersick Prize and the Baker Prize.

On appeal, counsel states: “These and other awards were received as a result of the exemplary business leadership and skill demonstrated by [the beneficiary] in his executive roles with Telcordia Technologies, Inc.”

The plain language of this criterion, however, requires evidence of “the alien’s receipt of lesser nationally or internationally recognized prizes or awards for excellence.” The documentation submitted by the petitioner does not meet this requirement. There is no first-hand evidence showing that the beneficiary himself was named as a recipient of the aforementioned prizes and award. Rather than submitting primary evidence of the award from the DARPA or the prizes from the IEEE Communications Society, the petitioner instead submitted information printed from its own internet website. In this instance, the petitioner has not complied with the regulation at 8 C.F.R. § 103.2(b)(2) regarding the submission of secondary evidence. Specifically, the petitioner has not demonstrated that the prizes and award listed above are unavailable or do not exist. Further, according to the April 15, 2005 letter of support submitted by [REDACTED], Vice President, Human Resources, [REDACTED], the beneficiary was not recruited to work at her company until 2003. Therefore, contrary to counsel’s claim, the DARPA Experimentation Pioneer Award for Smart Firewalls from 2002 was not “a result of the exemplary business leadership and skill demonstrated by [the beneficiary] in his executive roles with [REDACTED].” Regarding the beneficiary’s alleged contribution to the IEEE Communications Society’s [REDACTED] Prize and Baker Prize received by [REDACTED] in 2003, we note that these prizes were for original papers published in the preceding year, 2002.¹ Thus, we also find that the beneficiary was not responsible for Telcordia Technologies Inc.’s receipt of these two prizes.

¹ Information accessed at <http://www.comsoc.org/socsTR/org/operation/awards/ellersick.html> on April 18, 2007 states that the [REDACTED] Prize is awarded for “[p]ublication of an original paper in any Communications Society magazine in the previous calendar year.” [Emphasis added.] Similarly, the [REDACTED] Prize Award . . . is

The petitioner also submitted a November 10, 2004 letter of support from [REDACTED] Principal, [REDACTED] [REDACTED] who supervised the beneficiary at his previous job at [REDACTED]. [REDACTED] states that the beneficiary "was awarded the [REDACTED] of the Year Award." Rather than submitting primary evidence of the beneficiary's [REDACTED], the petitioner instead submitted a letter issued by one of the beneficiary's former colleagues years after the award was presented. Once again, the petitioner has not complied with the regulation at 8 C.F.R. § 103.2(b)(2), as it has not demonstrated that primary evidence of this award is unavailable or does not exist. Nevertheless, we find that the beneficiary's receipt of the [REDACTED] [REDACTED] of the Year Award from his employer at that time reflects institutional recognition rather than national or international recognition.

In light of the above, the petitioner has not established that the beneficiary 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. The overall prestige of a given association is not determinative; the issue here is membership requirements rather than the association's overall reputation.

On appeal, counsel argues that the beneficiary's "[m]embership in the Rochester Chapter of IEEE requires a significant level of achievement in the field. . . . Please see website of IEEE, available at: [REDACTED]

The petitioner submitted evidence printed from the [REDACTED]'s internet website, but none of this documentation identifies the beneficiary as a member. Nor is there evidence of the beneficiary's official membership credential for the IEEE. 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)).

presented by the IEEE Board of Directors for the most outstanding paper, reporting original work, in the Transactions, Journals and Magazines of the IEEE Societies, or in the *Proceedings of the IEEE*, issued between 1 January and 31 December of the preceding year." [Emphasis added.] See <http://www.ieee.org/portal/pages/about/awards/sums/baker.html>, accessed on April 18, 2007. As the beneficiary has not been shown to publish telecommunications research papers or to have worked for Telcordia Technologies, Inc. at the time the winning research papers were published in 2002, we reject counsel's claim that the petitioner's receipt of these prizes resulted from the beneficiary's leadership skills.

Utilizing the internet website identified by counsel, the AAO was able to access the IEEE's membership requirements at [REDACTED] on April 18, 2007. As indicated on the website:

The grade of Member is limited to those who have satisfied IEEE-specified educational requirements and/or who have demonstrated professional competence in IEEE-designated fields of interest. For admission or transfer to the grade of Member, a candidate shall be either:

- An individual who shall have received a baccalaureate (or equivalent) or higher degree from an institution, and in an IEEE-designated field, which is included in the REP (Reference List of Educational Programs) List defined in IEEE Bylaw 1-104.10 or
- An individual who shall have received a baccalaureate (or equivalent) or higher degree from an institution not included in the REP List and who has at least three years of professional work experience engaged in teaching, creating, developing, practicing or managing in an IEEE-designated field(s) included in the REP List,
- An individual who, through at least six years of, professional work experience in an IEEE-designated field(s) included in the REP List, has demonstrated competence in teaching, creating, developing, practicing or managing in that field(s), or
- An executive who, for at least six years, has had under his/her direction important technical, engineering, or research work in IEEE-designated fields included in the REP List.

We do not find that the preceding requirements for membership, which specify the minimum levels of education and job experience necessary for admission to the IEEE, are indicative of outstanding achievement in the field. In this case, there is no evidence showing that the beneficiary holds membership in an association requiring outstanding achievement or that he was evaluated by national or international experts in consideration of his admission to membership. Thus, the petitioner has not established that the beneficiary 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 beneficiary 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. An alien would not earn acclaim at the national or international level from a local publication. 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.²

² 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, cannot serve to spread an individual's reputation outside of that county.

In response to the director's request for evidence, the petitioner submitted material printed from sources such as *The Engineer of 2020: Visions of Engineering in the New Century*, the "Faculty News" section of the Rutgers University School of Engineering internet website, the IEEE Rochester Chapter's internet website, and *GIS Weekly*. None of this material mentions the beneficiary's name. The plain language of this criterion, however, requires "published materials about the alien." If the beneficiary is not the primary subject of the material, then it fails to demonstrate his individual acclaim at the national or international level. Nor is there evidence showing the preceding material was published in "professional or major trade publications or other major media."

The petitioner's response also included an article posted on the *PR Newswire* internet website entitled "NJTC Names [REDACTED] 'CIO of the Year.'" This May 10, 2005 article is primarily about the [REDACTED] Council's 2005 CIO Conference held on May 6, 2005 and only mentions the beneficiary's name in passing. Further, the author of the article was not identified as required by this criterion. The petitioner also submitted a May 12, 2005 article entitled "[The beneficiary] [REDACTED] at NJTC's CIO Conference" posted on *NEWStand*, an internal newsletter maintained by [REDACTED] "Corporate Web Team."³ This article was not published in "professional or major trade publications or other major media," nor was the author identified. The petitioner also submitted an "Agenda" for the May 6, 2005 NJTC CIO Conference posted on the NJTC's internet website. We cannot ignore that the publication date of the preceding articles and the date of the NJTC conference occurred subsequent to the petition's filing date. A petitioner, however, must establish the beneficiary's 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 material relating to the May 6, 2005 conference in this proceeding.

In light of the above, the petitioner has not established that the beneficiary 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 discussing the beneficiary's work at Telecordia Technologies and Nortel Networks. Although we find that these letters are far more relevant to the leading or critical role criterion at 8 C.F.R. § 204.5(h)(3)(viii), counsel argues that the letters relate to the criterion at 8 C.F.R. § 204.5(h)(3)(v) as well.

[REDACTED] Operations and Implementation, BellSouth Affiliate Services Corporation, states that he "had the opportunity to work closely with [the beneficiary] when he served as Vice President and General Manager of Professional Services at Nortel." [REDACTED] further states:

[The beneficiary] is recognized as a businessperson of extraordinary ability in this industry based upon his leadership in developing and reorganizing leading telecommunications companies. [The beneficiary] has served in critical capacities in highly respected telecommunications firms, and his career path is one of increasing prominence. [The beneficiary's] extraordinary business acumen is

³ Text appearing at the bottom of this article states: "TELCORDIA PROPRIETARY – INTERNAL USE ONLY. This website contains proprietary information that shall be distributed, routed or made available only within Telcordia"

reflected by his success in senior level telecommunications managerial positions, including his current assignment . . . at the renowned firm, [REDACTED]

[The beneficiary] was recruited to join [REDACTED] based on his reputation throughout the world as a leader in the telecommunications industry. Specifically, he was recruited to lead the turnaround of the process by which projects are carried out at the company. One of [the beneficiary's] key contributions was the development of a new office within [REDACTED]. Specifically, he replaced what was known as the Program Management Office of [REDACTED] with an entirely new functional unit known as [REDACTED] ([REDACTED]). This new entity within the company now centrally oversees the end-to-end deliverables of all projects carried out at the company and ensures that projects are carried out in accordance with Telcordia's schedule, quality, and cost standards. The innovative project management structure implemented by [the beneficiary] also changed the way that project costs are accounted for within the company such that [REDACTED] serves as a cost center. In addition to leading Telcordia's project management function, [the beneficiary] also oversees the company's customer service.

Prior to joining [REDACTED], [the beneficiary] had a highly successful career with [REDACTED] where he served in vice presidential capacities for over ten years. . . . In this capacity, [the beneficiary] ran a \$500 million business unit that, among other activities, managed the surveillance of BellSouth Long Distance, Inc.'s long distance network. While at [REDACTED], he showed a particular expertise in building and directing new organizations and alliances to profitability and in optimizing operational processes. He also excelled in instilling a strong customer service ethic in his highly technical managers, which is often a difficult achievement among leaders of organizations focused on technology development.

[The beneficiary's] success in leading roles with [REDACTED] and [REDACTED] demonstrates his superior ability to drive the various disciplines involved in the provision of telecommunication services to meet the goal of flawless execution of deliverables on time, within budget, and of the highest quality.

[REDACTED] President, [REDACTED] states that he worked closely with the beneficiary throughout his career with [REDACTED] Networks. [REDACTED] further states:

I served in a series of Executive capacities with [REDACTED], most recently as President of [REDACTED]

* * *

Before joining Telcordia, [the beneficiary] served in a succession of key roles at [REDACTED] Networks. . . . For instance, as the Vice President of [REDACTED] [REDACTED] [the beneficiary] held responsibility for directing the company's [REDACTED] Service. In this position, [the beneficiary] oversaw one thousand people covering the Engineering, Planning, Installation, and Post In Service Technical Support for [REDACTED] Products. He also managed the restructuring of a large services infrastructure within the company as well as the pursuit of new revenue opportunities. As such, [the beneficiary] reduced a \$400 million services infrastructure to a \$150 million level and

increased Post In Service revenues by 40% to \$70 million. The global quality initiatives that he implemented streamlined the company's operations and improved customer satisfaction by ten percentage points.

During his term as Vice President & General Manager of [REDACTED] Managed Services division, [the beneficiary] led the company's global managed services business across all technologies, including switching, access, transport backbone, and metro optical products. Under his leadership, this unit of the company enjoyed \$500 million in revenues, which was a 25% increase in the company's revenue line. In directing this critical division, [the beneficiary] managed four [REDACTED] Operation Centres throughout the world, which included a population of one thousand employees. In directing the company's managed services division, [the beneficiary] created a global [REDACTED] platform for the efficient support of global customer networks and also implemented a major alliance with a prominent IT consulting firm. He also led the launch of [REDACTED] Private Labeled Service offering.

As the Vice President & General Manager of Professional Services for [REDACTED], [the beneficiary] created and launched a Professional Services business unit, also consisting of one thousand people, which enabled [REDACTED] to offer a complete end-to-end solution for the [REDACTED] and Emerging Carrier markets. [The beneficiary's] leadership in launching this critical business unit resulted in revenue growth from \$150 to \$400 million and also enabled the company to secure and deliver a \$200 million contract with a major carrier.

Further, as the Vice President of [REDACTED] Director, [the beneficiary] headed the entire research and development component of [REDACTED] International Switching Software and [REDACTED] Hardware platforms. In directing the development of this research and development function, [the beneficiary] was responsible for a unit that consisted of 2300 employees and a \$250 million budget. The laboratories he managed were located in the U.K., Turkey, Canada, and China and the research carried out by this unit supported [REDACTED]'s largest business unit at the time. Under his leadership, the unit delivered [REDACTED]'s first multi-processing computer platform and integrated three software products into one global software load. He also transitioned the development of deliverables to an ON Time, ON Cost discipline.

Moreover, as Vice President of [REDACTED], [the beneficiary] managed the company's provision of customer service, including wireless and wireline products and technical support for all of [REDACTED] markets. As such, [the beneficiary] designed and implemented [REDACTED] Product Support organization. In this capacity, an organization of two thousand people was under [the beneficiary]'s direction and he was responsible for directing the company's engineering, installation, emergency and field services, systems engineering, and new product introduction functions.

[REDACTED] states:

In directing the Optical Networks component of [REDACTED] business, [the beneficiary] carried out this daunting task in an environment characterized by substantial overcapacity in the marketplace. [The beneficiary's] innovations in implementing global quality initiatives and streamlining [REDACTED]

operations resulted in an improvement in customer satisfaction considerably. He also enhanced new product information techniques via customer service ramp management and design for serviceability.

During his tenure with [redacted] Networks, [the beneficiary] also led the company's global managed services business. This responsibility included managing four [redacted] Operation Centres employing 1000 people. Specific initiatives led by [the beneficiary] in this phase of his career included launching [redacted] Private Labeled Service offering creating a global [redacted] platform for efficient support of global customer networks, and implementing a major alliance with a prominent IT consulting firm.

Moreover, as the leader of [redacted] Professional Services function, [the beneficiary] built a business unit for the company that eventually consisted of 1000 employees. The portfolio of services offered by this unit included [redacted] Planning [redacted] Build and Verification, Product Support; OSS Solutions, and Managed Services.

While in [redacted] [the beneficiary] also led the company's research and development function for its international switching software and global switching hardware platform. This was an extremely critical role within the company's global organization as the company's largest business unit focused on the DMS 100 family of switches. As such, [the beneficiary] successfully redirected the proper focus of research and development of the company to achieve its business goals. He developed the [redacted] design team, which focused on ATM and IP telephone solutions. Further, he delivered the IDC New Node Project to Japan.

In addition, [the beneficiary] led [redacted] support function. In this critical role, [the beneficiary] managed a population of 2000 employees who carried out technical support services for the company. [The beneficiary] directed the second line technical support for all global markets of [redacted] as well as the Repair and Return organization within the company. As such, [the beneficiary] enhanced new product introduction for the company by migrating service considerations to the design phase. Under his leadership, [redacted] software fix defect rates improved to 90% and engineering and installation margins improved by 12%. He also chaired the [redacted] Users' Forum and other similar initiatives with Canadian telecommunication companies.

[redacted], Chief Executive Officer, [redacted], states:

During his tenure at [redacted] I have been impressed with [the beneficiary's] extraordinary ability to draw upon his business acumen and extensive experience in the field to lead the development of business structures that enable new telecommunications products to be successfully marketed and implemented. We recruited [the beneficiary] to join [redacted] because we identified him as one of only a few individuals in the world capable of leading a major turnaround at our company. Specifically, [the beneficiary] joined [redacted] to lead the implementation of a major troubleshooting project. [The beneficiary] created a new business structure by replacing [redacted] Program Management Office with a [redacted] Implementation and Operation Support [redacted] system that he developed. [The beneficiary] designed this project management function such that the quality, schedule, and costs of [redacted] development projects are now centrally owned. This new office within [redacted] oversees the end-to-end deliverables of development projects carried out at the

company, and the improvement in our productivity, quality, and customer satisfaction has been dramatic.

While the preceding letters indicate that the beneficiary was successful in senior level telecommunications managerial positions at [REDACTED] Technologies and [REDACTED]s, there is no evidence showing that the work attributable to him has had a substantial national or international impact beyond these companies. We accept that the beneficiary is admired by those with whom he has worked for adeptly handling his managerial responsibilities, but the evidence submitted by the petitioner is not adequate to demonstrate that the beneficiary is recognized throughout the greater field for original contributions of major significance in the telecommunications industry. The record does not indicate the extent of the beneficiary's influence on others in this field, nor does it show that the field as a whole has somehow changed as a result of his work.

With regard to the personal recommendation of individuals who have worked with the beneficiary, the source of the recommendations is a highly relevant consideration. These letters are not first-hand evidence that the beneficiary has sustained national or international acclaim for his contributions beyond those individuals who are close to him. The statutory requirement that an alien have "sustained national or international acclaim," however, necessitates evidence of recognition beyond direct acquaintances of the beneficiary. See section 203(b)(1)(A)(i) of the Act.

The petitioner also submitted an evaluation letter addressed to counsel and prepared by [REDACTED] an "education and employment research consulting firm" located in New Jersey. This letter includes opinions from Dr. [REDACTED], past chairman and tenured Associate Professor of Computer Information Systems on the faculty of the County College of Morris, New Jersey, Dr. [REDACTED], Associate Professor of Marketing at the University of Massachusetts at Amherst, and Dr. [REDACTED], Associate Professor and Chairman of the [REDACTED] Connecticut State University. The evaluation letter states:

Throughout his career, [the beneficiary] has performed at the height of excellence as a superior telecommunications manager. He has been and is employed in critical and essential capacities in various organizations, both in the U.S. and in Canada. His combination of technological development, marketing and management prowess is a rare one in the telecommunications industry. His expertise in marketing, computer information technology and customer relations place him in the top echelon of management in the telecommunications industry. His high level positions with Nortel and Telcordia, recognized industry leaders, further indicate his high level of skill.

* * *

Taken as a whole, it is clear that [the beneficiary] has a unique set of skills and it appears to be clearly the case that the "totality of circumstances" lead to the logical conclusion that he is an alien of extraordinary ability in the field of telecommunications and business management.

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 beneficiary's reputation are important considerations. For example, experts who were previously aware of the alien's accomplishments through his reputation in the field are more persuasive than experts who were previously unaware of the alien and are providing an opinion based on a review of the alien's credentials as provided by the alien.

In this instance, none of the preceding experts from Educated Choices state that they were aware of the beneficiary's reputation in the telecommunications industry prior to being requested to review his job experience and credentials. Further, while their observations are relevant to the leading or critical role criterion at 8 C.F.R. § 204.5(h)(3)(viii), their analysis fails to specifically identify and elaborate upon original contributions of major significance in the telecommunications industry directly attributable to the beneficiary. 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 business executive who has sustained national or international acclaim. The benefit sought in the present matter is not the type for which documentation is typically unavailable and the statute specifically requires "extensive documentation" to establish eligibility. *See* section 203(b)(1)(A)(i) of the Act. Without extensive documentation showing that the beneficiary's work has been unusually influential or highly acclaimed throughout the greater field (beyond his employers), we cannot conclude that he meets this criterion.

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

The petitioner submitted the aforementioned letters of support and other evidence establishing that the beneficiary performed in a leading role in executive positions (such as CIO and Vice President) for distinguished organizations such as Telecordia Technologies and Nortel Networks. Therefore, the petitioner has established that the beneficiary meets this criterion.

Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.

The petitioner submitted the beneficiary's Forms W-2, Wage and Tax Statements, showing that he earned \$260,219.62 in 2003 and \$435,568.17 in 2004. The petitioner also submitted national wage statistics showing that the beneficiary's compensation was significantly high in relation to others in his field. Therefore, we find the petitioner's evidence is adequate to demonstrate that the beneficiary meets this second criterion.

In this case, we find that the beneficiary meets only two of the regulatory criteria, three of which are required to establish eligibility. 8 C.F.R. § 204.5(h)(3). The petitioner has failed to demonstrate the beneficiary's 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 acclaim necessary to qualify as an alien of extraordinary ability.

Review of the record does not establish that the beneficiary 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 beneficiary's achievements set him significantly above almost all others in his field at the national or international level. Therefore, the petitioner has not established the beneficiary's 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.