U.S. Department of Homeland Security
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Washington, DC 20529

U.S. Citizenship
and Immigration
Services

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[redacted]

FILE: [redacted] Office: NEBRASKA SERVICE CENTER Date: SEP 29 2008

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IN RE: Petitioner: [redacted]
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:

[redacted]

INSTRUCTIONS:

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

Robert P. Wiemann, 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 in the sciences. The director determined that 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 petitioner meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3) and that the director applied incorrect standards in denying the petition.

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 into 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, 60898-99 (Nov. 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 September 5, 2006, seeks to classify the petitioner as an alien with extraordinary ability as a biomedical researcher. At the time of filing, the petitioner was working as a postdoctoral fellow in the Department of Anesthesia at Stanford University and as a researcher in the Department of Neurology at the University of California, San Francisco.

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, internationally 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 evidence showing that he received a Scholarship for Overseas Research from the Chinese Department of Education, a Nippon Foundation Scholarship, and a Monbusho Scholarship to pursue Ph.D. studies at the University of Tokyo. These scholarships represent financial assistance for the petitioner's university study rather than his receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. University study is not a field of endeavor, but rather training for future employment in a field of endeavor. Receipt of the preceding scholarships, limited by their terms to student applicants, is not an indication that the petitioner "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's receipt of educational funding offers no meaningful comparison between him and experienced professionals in the field who have long since completed their academic studies.

The petitioner submitted evidence showing that he received a Stanford University Dean's Postdoctoral Fellowship. The petitioner also submitted information from Stanford University's internet site stating: "The purpose of these fellowships is to encourage and support young investigators for the first one or two years of postdoctoral (Ph.D. or M.D.) research training. Dean's postdoctoral fellowships are awarded to scholars with an appointment in the School of Medicine and who work in labs in the School of Medicine." We cannot conclude that the petitioner's receipt of postdoctoral support funds from his research institution constitutes national or international recognition for excellence in the field. The petitioner's selection for a Stanford Dean's Postdoctoral Fellowship represents his receipt of financial support for a "research training" program rather than a nationally or internationally recognized prize or award for excellence in the field of endeavor. Such postdoctoral support funding is presented not to established researchers with active professional careers, but rather to "young investigators" in pursuit of further research training and experience.

The petitioner submitted a letter from the Society for Neuroscience addressed to '[redacted]' informing him that his abstract entitled "Pyruvate protects against experimental stroke via an anti-inlamatory mechanism" was "one of about 700 . . . requested by the Public Education and Communication Committee for a

Neuroscience 2006 *Press Book* submission."[1] The letter requests [redacted] to "prepare a summary of the abstract" and "to consider consulting or enlisting the help of the senior researcher of this work . . . when drafting your summary." The record does not include evidence of the actual *Press Book* entry or evidence showing that such an entry constitutes a nationally or internationally recognized prize or award for excellence in the field.

The petitioner submitted a November 1, 2005 letter from the Vice President of Research for the "Western States Affiliate" of the American Heart Association stating the petitioner's oral presentation "received an Honorable Mention at the 2005 Young Investigators Forum held September 30, 2005 at the Beckman Center in Irvine, California." The plain language of this regulatory criterion requires the petitioner's "receipt of lesser nationally or internationally recognized *prizes* or *awards* for excellence in the field of endeavor." There is no evidence that the petitioner's "Honorable Mention" from the "Western States Affiliate" of the American Heart Association constitutes a nationally or internationally recognized prize or award. Further, we note that the petitioner's honor was limited by its terms to "Young Investigators." There is no indication that the petitioner faced competition from throughout his field, rather than limited to his approximate age group within the field. We cannot conclude that the petitioner's receipt of an Honorable Mention at a "Young Investigators Forum" is an indication that he "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 submitted a "Letter of Appreciation" for his efforts at the 4th SINO-US Symposium on Medicine (2005). There is no evidence showing that this honor is a nationally or internationally recognized award for excellence, rather than simply an acknowledgment of the petitioner's work on behalf of the symposium. The petitioner also submitted a Certificate of Appreciation from the director of the Department of Veterans Affairs Medical Center (DVAMC), San Francisco "[i]n recognition and appreciation of outstanding service to veterans as a volunteer." This certificate reflects institutional recognition rather than national or international recognition.

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, a 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, proficiency certifications, 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.

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[1] We note that this letter was addressed to [redacted] rather than the petitioner. [redacted] is the first author of this abstract that was coauthored with the petitioner and four others.

The petitioner submitted evidence of his membership in the Society for Neuroscience and the Chinese Society of Medicine. The petitioner also submitted evidence showing that he is "Junior Member" of the American Academy of Neurology (AAN). In response to the director's request for evidence, the petitioner submitted his Junior membership approval letter from the AAN stating: "You may remain in the Junior membership category until your training is completed." The petitioner also submitted an AAN "Application for Fellow Membership," the academy's most esteemed category of membership, listing the requirements for elevation to Fellow. The petitioner has not established that "Fellow" membership and "Junior" membership in the AAN are one and the same. For example, according to the application submitted by the petitioner, Fellow Membership requires "[a]ctive membership status in the Academy for seven years or more." As the petitioner's Junior membership did not commence until January 1, 2006, we cannot conclude that he is a Fellow member of the AAN or that he satisfied the requirements listed on the Application for Fellow Membership. In this case, there is no evidence (such as membership bylaws or official admission requirements) showing that the petitioner's memberships in the AAN, the Society for Neuroscience, and the Chinese Society of Medicine required outstanding achievements as judged by recognized national or international experts in his field or an allied one.

The petitioner's response to the director's request for evidence included an August 27, 2007 letter from Dr. [redacted] Executive Director, Sigma Xi, The Scientific Research Society, stating that the petitioner was elected a Full Member in 2007. The petitioner was elected to Full Membership in Sigma Xi 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)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971). Accordingly, the AAO will not consider this membership in this proceeding. Even if we were to consider this evidence, the letter from Dr. [redacted] states that Sigma Xi has "more than 60,000 active members" and confers full membership "upon those who have demonstrated noteworthy achievements in research." These achievements "must be evidenced by publications, patents, written reports or a thesis or dissertation, which must be available to the Committee on Admission if requested." A noteworthy achievement is not necessarily an outstanding achievement. In fact, the record reveals that the society does not take a particularly strict view of noteworthy achievements. Specifically, [redacted] states that the "Committee on Qualifications and Membership interpreted this qualification to include primary authorship of two papers." [redacted] continues that an "earned doctoral degree may be substituted for one paper." We cannot conclude that primary authorship of one or two papers is indicative of outstanding achievement.

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

> *Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought.*

The director found that the petitioner "submitted evidence of being a reviewer of 12 articles as a committee member at an international meeting. In addition, [the] petitioner has reviewed 19 other journal articles. Further, [the] petitioner has served as an editorial member for *U.S. Chinese Journal of Surgery*." We concur with the director's finding that the petitioner 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 several recommendation letters in support of the petition.

[redacted]-Woodbury-Harris, Scientific Review Administrator, Scientific Review Branch, National Institute of Neurological Disorders and Stroke, National Institutes of Health (NIH), states:

> I have known [the petitioner's] mentor, [redacted] for several years now and consider her to be a superb judge of character.
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> * * *
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> [The petitioner's] outstanding abilities were . . . demonstrated by his insight into science in the field of stroke research that he demonstrated in a short two years since he joined [redacted] neuroscience laboratory at Stanford University. The blood-brain barrier (BBB) separates brain tissue from materials in the circulating blood. It is important for the brain to maintain its integrity in order to resist invasion of inflammatory agents from the blood. However, the BBB often breaks down after stroke. [The petitioner] was the first to find that the brain's resident immune cell (microglia) produces superoxide anion (reactive oxygen species, ROS) which leads to worsening of BBB damage after stroke. Furthermore, this process could be reversed by minocycline, a tetracycline family antibiotic also thought to have anti-inflammatory properties. This observation suggested that anti-inflammatory treatments in acute stroke might be useful in preserving the BBB, and may be useful as an adjunct to thrombolytics.
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> In a second area of research, [the petitioner] helped develop methods to noninvasively monitor apoptosis following stroke, and to test potential anti-apoptotic treatments. As apoptosis (programmed cell death) is very important in the stroke pathogenesis, treating apoptosis after stroke may some day improve the health of stroke patients in our country. Targeting this, [the petitioner] first found that by using ^{99m}Tc labeled Annexin V SPECT, early apoptosis could be visualized non-invasively, and that anti-apoptotic treatments could reduce apoptosis and thus rescues brain tissue from stroke. As a result of [the petitioner's] work, labeled annexin V imaging is now beginning to be studied in human stroke patients.

[redacted] Chair of the Department of Neurosurgery and Co-Director of the Stanford Stroke Center at the Stanford University School of Medicine, states:

> I have known of [the petitioner] since March 2004 when he began working with [redacted] in our department at Stanford. He has, in fact, been collaborating on one of my NIH Program Project Grants aimed at understanding the role of inflammatory cell generation of ROS and ischemic injury. In this program, he is using both cell culture and animal models to study the molecular mechanism of blood-brain barrier (BBB) breakdown after stroke. . . . However, little is known regarding this process. In this program, I would expect [the petitioner] to make some discoveries that can enlighten new pathways for stroke clinicians to improve the lives of stroke patients in our country.

* * *

[The petitioner] found that post-stroke apoptosis could be visualized by 99mTc labeled Annexin V SPECT. The pattern of apoptosis after stroke is as follows: in the early stage, most of the apoptotic cells are neurons but in the later stage they are microglia. He is about to submit the manuscript showing these results to a mainstream journal in the area of stroke research. This discovery may mean that anti-apoptotic therapy should target the early stage post-stroke; conveniently, this therapeutic effect could be non-invasive. In one of his other projects, he found microglia activation after stroke could enhance the BBB disruption and this work has been published in a Stroke paper. His research discoveries were selected to present orally in many high-level meetings, such as the 2005 Society for Neuroscience Meeting, The American Heart Association Western States Affiliate Young Investigators' Forum, the 2006 International Stroke Conference and the 2006 American Academy of Neurology (AAN) Annual Meeting.

[redacted], Associate Professor, Department of Neurology, University of California, San Francisco, states:

I recruited [the petitioner] to join my laboratory in 2004 based upon his sterling reputation. Over the past 2 years, I have been extremely impressed by his contribution to my lab's efforts. . . . He had been enrolled in a Ph.D. degree program at the University of Tokyo, one of the top universities in the world and undoubtedly the best university in Asia. During this period, he first found that that all factors such as patients' gender, body weight, age, blood glucose concentration (Glu), hematocrit, pressure of end-tidal CO_2 and ASA (American Society of Anesthesiology) class affected the cerebrovascular dynamic indices (CVDI) to different degrees. The main factors influencing CVDI are age, Glu and ASA class. This result may help clinical anesthetists to reduce brain complications while inducing general anesthesia.

* * *

He is currently funded through NIH program projects held at Stanford University by [redacted] However, as I am a co-investigator (with [redacted] as project leader) on these NIH grants . . . I asked [the petitioner] to keep on working with me in UCSF. As an outstanding scientist, he collaborates with [redacted] who is a leading scientist in the stroke research field working in Stanford University. In addition to this, he has also collaborated with [redacted] in the Department of Radiology at Stanford University to study non-invasive imaging of apoptosis in a mouse stroke model, part of these results is [sic] being used by [redacted] for the NIH grant application. It is impressive that in a relatively short period of time, he has managed to complete two in vivo stroke experiments to the point where he is ready to submit manuscripts in the very near future.

* * *

> [The petitioner] began to develop a chimeric stroke model shortly after arriving in my lab. In this model, bone marrow from donor animals is transplanted into host animals. In preliminary experiments, he replicated previous data showing that treatment with minocycline reduces injury in a model used for experimental stroke. Even more intriguing was his novel observation that minocycline also appears to reduce blood-brain barrier disruption and hemorrhagic transformation. As a result, these data have been incorporated into a larger manuscript where he showed that primary microglia, a kind of brain resident immune cells, potentate causes injury to endothelial cell-astrocyte co-cultures. These observations suggest that anti-inflammatory treatments in acute stroke might be useful in preserving the BBB, and may be useful as an adjunct to thrombolytics. This manuscript has been published in the journal *Stroke.*
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> [The petitioner] was also the first scientist to make the important discovery that at the early stage after stroke, most of the apoptotic cells are neurons and at later stage, most of the apoptotic cells are microglia. Post-stroke antiapoptotic therapy can be non-invasively monitored by ^{99m}Tc labeled Annexin V SPECT. This may implicate a novel way to monitor the progression of stroke and response to anti-apoptotic therapy.

We note [redacted] statements that the petitioner's findings "may help clinical anesthetists to reduce brain complications" and "may implicate a novel way to monitor the progression of stroke and response to anti-apoptotic therapy." In the same manner as [redacted] asserts that the petitioner's findings regarding post-stroke apoptosis "may mean that anti-apoptotic therapy should target the early stage post-stroke" and that such a "therapeutic effect could be non-invasive." With regard to the witnesses of record, many of them they discuss what may, might, or could one day result from the petitioner's work, rather than how his past research already qualifies as a contribution of major significance in the field. A petitioner, however, cannot file a petition under this classification based on the expectation of future eligibility. *See Matter of Katigbak*, 14 I&N Dec. 45, 49 (Regl. Commr. 1971).

[redacted] Director and Professor, Neurosciences Critical Care Program, Department of Neurology, Oregon Health and Science University, states that he became aware of the petitioner through his publications and his colleagues at the University of California at San Francisco and Stanford University. [redacted] further states:

> [The petitioner] was invited to join us as the author of a chapter in my book: *Acute Stroke: Bench to Bedside* . . . entitled "Pathogenesis of brain injury following ischemic stroke." In his chapter, [the petitioner] summarized the latest research results from hundreds of publications all over world. Additionally, his new discoveries have contributed to this chapter. He has very elegantly detailed the molecular mechanisms of how the ischemic stroke occurred. He concluded oxidative stress, post-stroke inflammation and apoptosis, etc are highly related to the pathogenesis of brain injury following ischemic stroke.
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> * * *
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> With his unique insight into neuroscience, [the petitioner] is in a position to do future research that will definitely provide more important information for this field. His recent academic

> communications provided findings regarding apoptotic patterns, noninvasive visualizing apoptosis after stroke, microglia activation worsening stroke outcome and insight into the mechanism of minocycline treatment which reduces microglia activation and inhibits apoptosis. . . . Parts of his results were recently published in *Stroke,* a mainstream journal in neuroscience.

The petitioner's published and presented work relates to the "authorship of scholarly articles" criterion at 8 C.F.R. § 204.5(h)(3)(vi). 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 material authored by the petitioner under the next criterion.

[redacted] Associate Professor of Neurology, University of Texas Health Science Center at Houston, states:

> I know [the petitioner] primar[ily] through his scientific achievements and I met him at the 2006 International Stroke Conference where I judged one of his presentations. The International Stroke Conference is an educational forum highlighting the most recent advances in the treatment, prevention, and outcomes of cerebrovascular disease and stroke. Of the 37,000 merit neurologists and scientists who attended the conference this year, [the petitioner] was one of few selected to present his scientific achievements.
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> * * *
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> [The petitioner] is now a key scientist in [redacted] Lab at University of California San Francisco. He maintains active collaboration with Stanford University. National Institute of Health funds his present research. In this program, [the petitioner] will use neoteric, state of the art technologies (e.g. gene knockout animals, gene transfer and chimeric mice) techniques to study stroke-affected brain at the molecular level. [The petitioner] has already made new discoveries that showed NADPH oxidase plays a pivotal role in the post-stroke blood-brain barrier breakdown.

[redacted] currently Director of the Physician Foundation at California Pacific Medical Center Comprehensive Stroke Care Center and previously an Associate Professor of Neurology at Stanford University Medical Center, states:

> [The petitioner's] recent research involves several areas in which he is making significant contributions: 1. Microglia – derived reactive species potentiate blood-brain barrier disruption after stroke and this can be reversed by minocycline. This observation suggests that anti-inflammatory treatments in acute stroke might be useful in as an adjunct to thrombolytics. 2. Early apoptosis after stroke can be imaged by ^{99m}Tc labeled Annexin V SPECT. This is a novel way to monitor the progression of stroke and response to therapy.

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 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. While the petitioner's superiors discuss the value of his work, there is no evidence that it constitutes an original contribution of major significance in his field consistent with sustained national or international acclaim. For example, there is no supporting evidence showing that the published research resulting from the petitioner's work at Stanford University or the University of California at San Francisco was frequently cited by independent researchers as of the petition's filing date.[2]

In this case, the letters of support submitted by the petitioner's professional contacts and their discussion of his contributions 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 (Commr. 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 evidence (such as an extensive citation history) showing that the petitioner's work has been unusually influential, highly acclaimed throughout his field, or has otherwise risen to the level of contributions of major significance, we cannot conclude that he meets this criterion.

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 co-authorship of articles in publications such *Stroke*, *Journal of Neurochemistry*, and *Neurology*. The petitioner also submitted a letter from [redacted] stating that he co-authored a book chapter in *Acute Stroke: Bench to Bedside*, but there is no evidence showing that this book was published as of the petition's filing date. A petitioner must establish eligibility at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. at 49. In addressing the evidence for this

[2] In response to the director's request for evidence, the petitioner submitted a July 13, 2007 printout from isiknowledge.com identifying 14 of his published articles, but there is no evidence indicating the source of the material that cited his articles or the number of times they were cited by independent researchers.

regulatory criterion, the director's decision stated that the record lacked evidence that the petitioner's works have been cited by others to the extent that the impact of the articles is commensurate with extraordinary ability in the field of endeavor. The director also stated that "mere volume of publications" alone is not sufficient to meet this criterion. We concur with the director's findings and note that authoring scholarly articles is inherent to the research field.[3] For this reason, we will evaluate a citation history or other evidence of the impact of the petitioner's articles when determining their significance to the field. For example, numerous independent citations would provide solid evidence that other researchers have been influenced by the petitioner's work and are familiar with it. On the other hand, few or no citations of an alien's work may indicate that his work has gone largely unnoticed by his field. In this case, there is no evidence showing that the petitioner's articles were frequently cited in a manner consistent with sustained national or international acclaim. As such, the petitioner has not established 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.*

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.

[redacted] states that the petitioner has worked at Stanford University since 2004.[4] Information provided in [redacted]s letter indicates that although the petitioner is currently funded through NIH program projects held at Stanford University by in the Department of Anesthesia, he continues to work for Dr. at the University of California, San Francisco. [redacted] states that the petitioner has also collaborated with [redacted] in the Department of Radiology at Stanford University. Dr. further states:

> The Neurology and Neuroscience Departments at USCF are among the best in the United States. UCSF neuroscience research was ranked as the 1st all over the country by www.usnews.com in 2003 and Stanford University Neuroscience research was ranked as the second in 2006.

* * *

[3] The Association of American Universities' Committee on Postdoctoral Education, on page 5 of its Report and Recommendations, March 31, 1998, set forth its recommended definition of a postdoctoral appointment. Among the factors included in this definition were the acknowledgement that "the appointee has the freedom, and is expected, to publish the results of his or her research or scholarship during the period of the appointment." Thus, this national organization considers publication of one's work to be "expected," even among researchers who have not yet begun "a full-time academic and/or research career." This report reinforces CIS's conclusion that publication of scholarly articles is not presumptive evidence of sustained national or international acclaim.

[4] According to the petitioner's curriculum vitae, he worked as a postdoctoral fellow in the Department of Neurosurgery at the Stanford University School of Medicine under the supervision of [redacted] from March 2004 through November 2004.

> [The petitioner] has a leading and critical role in our stroke program, and his contributions to date have been enormous and scientifically significant.

The record does not include supporting evidence to corroborate [redacted] assertions that the Departments of Neurology and Neuroscience at the University of California, San Francisco and the Department of Neurosurgery at the Stanford University School of Medicine have distinguished reputations. 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)). While the petitioner has performed admirably on the research projects to which he was assigned, there is no evidence showing that his role as a "postdoctoral fellow" was leading or critical for these departments. This subordinate role is designed to provide temporary research training for a future professional career in the field of endeavor. There is no evidence demonstrating how the petitioner's role differentiated him from the other researchers in the departments where he worked, let alone more senior faculty (including tenured professors).[5] The documentation submitted by the petitioner does not establish that he was responsible for the preceding departments' success or standing to a degree consistent with the meaning of "leading or critical role" and indicative of sustained national or international acclaim. As such, the petitioner has not established that he meets this criterion.

In this case, the petitioner has failed to demonstrate receipt of a major, internationally recognized award, or that he meets at least three of the criteria at 8 C.F.R. § 204.5(h)(3).

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.

[5] A comparison of the petitioner's position with that of his superiors (such as Professors [redacted] indicates that the very top of his field is a level above his present level of achievement.