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U.S. Citizenship  
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Services

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FILE:

SRC 04 069 50690

Office: TEXAS SERVICE CENTER

Date: MAY 02 2007

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability. 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 petitioner meets at least three 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 January 7, 2004, seeks to classify the petitioner as an alien with extraordinary ability as a "Zoologist with special expertise in the field of Ecology, Environmental Education and Ornithology." As required by section 203(b)(1)(A)(i) of the Act and the regulation at 8 C.F.R. § 204.5(h)(3), the petitioner must demonstrate that his national or international acclaim has been sustained. The record reflects that the petitioner has been residing in the United States since 1996 when he began his graduate studies at Yale

University. Given the length of time between the petitioner's arrival in the United States and the petition's filing date (more than seven years), it is reasonable to expect him to have earned national acclaim in the United States during that time. The petitioner has had ample time to establish a national reputation as a zoologist or ornithologist in this country.

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. In determining whether a 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 of Achievement issued by the United States Agency for International Development (USAID) stating:

This certifies that, under the program of the Agency for International Development of the Government of the United States of America in cooperation with other Governments, [the petitioner] has successfully completed participation in a technical cooperation program in the field of Environmental Education for the period May 9, 1996 – May 29, 1996.

We do not find that successful completion of a three-week training program in Environmental Education constitutes receipt of a nationally or internationally recognized award for excellence in the petitioner's field. The record includes a copy of the petitioner's Form IAP-66A, Certificate of Eligibility for Exchange Visitor (J-1) Status, for this educational program identifying the petitioner as a "Trainee" in "Environmental Studies to be sponsored by USAID." Completing a government-sponsored training program is not indicative of national or international acclaim, nor does it demonstrate that an individual has risen to the very top of his field.

The petitioner submitted a June 25, 1995 "Order" from the Department of Natural Resources and Environmental Protection for the State of Saratov, Russia, stating that the petitioner was "awarded an Honors Award." As further evidence of this award, the petitioner submitted a November 3, 2003 letter from [REDACTED], Deputy Chair, Committee on Environmental Management, State of Saratov, stating that the petitioner participated "in the Workshop on the development of the draft of the Saratov State Law 'On Environmental Education of the Public in the State of Saratov'" and "received an Honors Award from the Competition Committee for his personal input in the development of the section of the above law on environmental

education in the extracurricular educational establishments.” We find that this award reflects regional recognition rather than national or international recognition.

The petitioner submitted a Certificate of Achievement issued by the Ministry of Education of the Russian Federation, Federal Educational Station for Student Naturalists and Agricultural Experimenters, stating: “[The petitioner] has successfully completed the training (52 hours of lectures and lab) at the All-the-Russian Seminar ‘Programs in Ecology and Environmental Education in Extracurricular Educational Establishments’ for the period 24<sup>th</sup> January – 1<sup>st</sup> February 1994.” We do not find that successful completion of the preceding 52-hour training course constitutes receipt of a nationally or internationally recognized award for excellence in the petitioner’s field. As stated previously, completing a government-sponsored training program is not indicative of national or international acclaim, nor does it demonstrate that an individual has risen to the very top of his field.

The petitioner submitted a September 20, 1993 letter issued by the Department of Environmental Protection, City of Saratov Government, stating that he was “awarded an Honors Certificate” for his work “to the benefit of environmental education of the public in the City of Saratov.” We find that this award reflects local recognition rather than national or international recognition.

The petitioner submitted a June 14, 2003 e-mail message to him from [REDACTED], Chair of the Student Awards Committee, Third North American Ornithological Conference, stating:

[T]he Student Awards Committee is please to offer you a Marcia Brady Tucker Travel Award of \$600 to attend the Third North American Ornithological Conference in New Orleans in September.... The amount of funding requested far exceeded the amount the Committee had to disperse, so your award is somewhat less than you requested.

\* \* \*

Finally, let me assure you that you are entitled to a free ticket to the banquet as a student in the competition for a presentation award.

The petitioner submits no evidence that he ultimately won a “presentation award” in the student competition mentioned in the preceding sentence. Because the nation’s most established and experienced ornithologists, who are employed in their own right rather than still working on their degrees, are ineligible for consideration for a student travel award, we cannot conclude that a recipient stands at the very top of his field. *See* 8 C.F.R. § 204.5(h)(2). We further note that the petitioner’s selection for this \$600 travel stipend was not the result of an outside nomination, demonstrating the field’s regard for his ability, but upon his application to the funding committee.

The petitioner submitted a March 15, 1975 Honors Award stating: “Society for Nature Conservation of the Russian Federation awards [the petitioner], student of Saratov High School #102, for his active participation in attracting birds and their conservation.” The record, however, includes no evidence that would demonstrate the number of awards given, the geographic area from which the students eligible for consideration for this award were drawn from, the criteria for granting the award, and the number of

individuals who competed. The petitioner also submitted a December 21, 1975 Honors Award stating: "Society for Nature Conservation of the Russian Federation awards [the petitioner], 10<sup>th</sup> grade student of Saratov High School #102, Leninsky District, for the winning place at the School District Science Olympiad in Biology." We find that the latter award from the "School District Science Olympiad" reflects local recognition rather than national or international recognition. Awards such as this are limited by their terms to high school students who had yet to begin their careers and thus they exclude experienced professionals from consideration. There is no evidence showing that the petitioner faced competition from throughout the field, rather than his approximate age group within that field. We find that the petitioner's receipt of awards conferred upon high school students is not an indication that he has reached the "very top of the field of endeavor." See 8 C.F.R. § 204.5(h)(2).

The petitioner submitted an October 23, 2003 letter from [REDACTED], Assistant Unit Leader and [REDACTED], stating that the petitioner was awarded a McClusky Fellowship to pursue graduate studies at Yale University and a Walcott Endowment Fellowship for his Ph.D. studies at North Carolina State University. On appeal, counsel states: "These two awards are obviously international awards as foreign nationals are eligible to compete for them along with U.S. citizens and nationals." University study is not a field of endeavor, but rather training for future employment in a field of endeavor. The petitioner's graduate 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 graduate fellowships are presented not to established scientists with active professional careers, but rather to individuals seeking to further their academic studies, research training, and research experience. There is no evidence that the petitioner's graduate fellowships were awarded by outside nomination, demonstrating the field's regard for his ability, rather than based upon his application to the foundations providing the grants. The petitioner cannot artificially restrict his field to exclude all those researchers who have long since completed their academic studies and training and therefore do not compete for graduate fellowships. Therefore, it is implausible for the petitioner to argue that his eligibility for a graduate fellowship 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. In addition, it is clear from the regulatory language that members must be selected at the national or international level, rather than the local or regional level. Therefore, membership in an association that evaluates its membership applications at the local or regional chapter level would not qualify. Finally, 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 showing that he served on local and regional councils on environmental education and nature conservation within the City of Saratov and the Saratov Province. The petitioner, however, has not established that his involvement with these local and regional councils constitutes “membership in associations in the field . . . which require outstanding achievements of their members.” The petitioner also submitted evidence of his membership in the Russian Bird Conservation Union. The record does not include evidence of the membership bylaws or the official admission requirements for the preceding organizations. There is no evidence that admission to membership in these organizations required outstanding achievement or that the petitioner was evaluated by national or international experts in consideration of his admission to membership.

The director’s decision stated that “[t]here is no evidence in the record to show that the [petitioner] still holds these positions or holds other member in association that require outstanding achievements of its member [sic]” and that a Russian membership from “close to ten years ago does not show the sustained national or international acclaim of the [petitioner].” We concur with the director’s findings for this criterion. The record includes no evidence of any association memberships held by the petitioner since his arrival in the United States in 1996. Without evidence showing that the petitioner has held a qualifying association membership in the years immediately preceding the petition’s filing date, we cannot conclude that his national or international acclaim has been sustained.

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

*Published materials about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.*

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. An alien would not earn acclaim at the national or international level from a local publication or a local media broadcast. 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.<sup>1</sup>

The petitioner submitted a March 6, 1996 article in *Sel'skaya Zhizn*, which he identifies as a “Tatishcehviskiy [sic] county newspaper,” and a January 1993 article in *Nabat*, which he identifies as a City of Saratov environmental newspaper. We note that the latter article was written by the petitioner rather than about him. Further, there is no evidence that either of these publications qualifies as major media.

In addressing the remaining evidence submitted by the petitioner for this criterion, the director’s decision stated:

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<sup>1</sup> 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 the RFE [Request for Evidence] it was found by the Service that the February 1983 article in *Znanie-Sila* was not written about the [petitioner] but rather an article that was submitted to this journal by the [petitioner]. Counsel states that this article was presented at the XVIII International Ornithological Congress in Moscow. However, it must be reiterated that this article was written by the [petitioner], and was not primarily about the [petitioner] as required by the regulations. It is the finding of the Service that this article does not meet this criterion.

Next, counsel also asserts that the [petitioner] broadcast of a 30 minute TV show on local television is major media since it covers the “whole of state of Saratov.” However, it is only shown that this broadcast was at local level rather than national or international level. It is not shown that this broadcast qualifies as “major media” as defined by the Service. Further, it is not shown in the evidence how this broadcast was about the [petitioner] as required by the regulations. Lastly, this show was shown close to 7 years ago and the article was published close to 22 years ago. This does not show the sustained national or international acclaim of the beneficiary.

The record includes no copy of the recording of the preceding local television broadcast. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner’s burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). Further, we do not find that material limited to the 1980’s and 1990’s is adequate to demonstrate the petitioner’s sustained national acclaim in Russia. Without evidence demonstrating that the petitioner has been the primary subject of major media attention in recent years, we cannot conclude that his acclaim has been sustained.

We concur with the director’s observations for this criterion. On appeal, counsel does not challenge the director’s finding “that the evidence submitted does not meet 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 regulation at 8 C.F.R. § 204.5(h)(3) provides that “a petition for an alien of extraordinary ability must be accompanied by evidence that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise.” Evidence of the petitioner’s participation as a judge must be evaluated in terms of these requirements. For example, evaluating the work of accomplished professors as a member on a national panel of experts is of far greater probative value than judging a local competition or evaluating the work of one’s students or subordinates.

In response to the director’s request for evidence pertaining to this criterion, counsel states: “Please, check the inside of the cover of initially submitted *Library of Ecologist*, vol. 1. It explicitly states [the petitioner’s] name among the editorial board members.” The English language translation for this document submitted by the petitioner, however, does not identify the editorial board members. Pursuant to 8 C.F.R. § 103.2(b)(3), any document containing foreign language submitted to CIS shall be accompanied by a full English language translation that the translator has certified as complete and accurate, and by the translator’s certification that he or she is competent to translate from the foreign language into English. The English language translation

of the inside cover of the aforementioned publication was not a full translation as required by the regulation. In describing this evidence, the petitioner states:

Papers ##31-36 are invited papers for the edition *Library of Ecologist* (1994) Published by Stylo Publishers in Saratov, Russia. All these papers are written by [the petitioner] individually or in collaboration with colleagues from the Regional Center of Environmental Education where he served as a deputy director. Each paper reflects environmental education of the RCEE and involvement of the [petitioner] in the statewide coordination of the efforts in environmental education in schools. Photocopies of individual papers are not available but below is given the translation of the book cover page, inside front cover, and table of contents of the book.

Based on the preceding description, we find that the preceding evidence is far more relevant to the “authorship of scholarly articles” criterion at 8 C.F.R. § 204.5(h)(3)(vi) rather than the criterion at 8 C.F.R. § 204.5(h)(3)(iv). It has not been established that writing papers “in collaboration with colleagues from the Regional Center of Environmental Education (RCEE) where he served as a deputy director” constitutes participation as a judge of the work of others for purposes of this criterion.

The petitioner’s response to the director’s request for evidence included an undated letter of support from [redacted], Deputy Minister of Education, State of Saratov, stating that the petitioner was elected to the “editorial board” of the *Bulletin of Russian Bird Conservation Union* and served from 1994 to 1996. The record, however, includes no evidence of any publications identifying the petitioner as an editorial board member, nor any other evidence originating from the Russian Bird Conservation Union itself indicating that the petitioner served in an editorial capacity for its publication. An October 5, 2005 letter of support from [redacted], Chair of the Saratov Branch of the Russian Bird Conservation Union, includes no mention of the petitioner’s participation on the editorial board for the *Bulletin of Russian Bird Conservation Union*. There is no contemporaneous evidence of the petitioner’s activities as an editorial board member for this publication. The plain language of this criterion, however, requires “[e]vidence of the alien’s participation . . . as a judge of the work of others.” Primary evidence of the petitioner’s participation is of greater probative value than a recommendation letter prepared by a third party a decade after the petitioner’s alleged participation. Where the regulations require specific, objective evidence in support of a petition, the petitioner’s burden of proof is not satisfied by submitting unsupported testimony. See 8 C.F.R. § 103.2(b)(1). The absence of contemporaneous evidence of the petitioner’s participation (such as correspondence reflecting his service or a page from the publication identifying him as an editorial board member) is a significant omission from the record. The benefit sought in the present matter, however, 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. Further, the commentary for the proposed regulations implementing this statute provide that the “intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required” for lesser classifications. 56 Fed. Reg. 30703, 30704 (July 5, 1991).

The petitioner’s response to the director’s request for evidence also included a document entitled “EXCERPTS FROM THE ‘ROSTER OF DIRECTOR’S ORDERS’” from the State School for Young Naturalists (SSYN) and the RCEE. We note that the petitioner was employed by both of these institutions in the 1990’s.

An October 30, 1990 entry in the SSYN roster reflects that the petitioner judged “the County Competition on School Educational Nature Plots.” A May 13, 1991 entry in the SSYN roster reflects that the petitioner conducted “a teacher training seminar for Biology teachers.” A July 10, 1991 entry in the SSYN roster reflects that the petitioner was assigned “to collect data on the county’s Student Educational Teams for the official hearings to be held at the Saratov State Ministry of Education.”

We do not find that judging a county school competition is indicative of sustained national or international acclaim. Regarding the petitioner conducting a teacher training seminar and gathering data on county’s Student Educational Teams, we do not find that such activities are tantamount to judging the work of others in one’s field. Duties that are inherent to one’s occupation are not indicative of sustained national or international acclaim at the very top of the field.

A November 12, 1993 entry in the RCEE roster reflects that the petitioner was appointed as Deputy Director and Chair of the RCEE Certification Committee. A March 29, 1995 entry in the RCEE roster reflects that the petitioner was appointed as Chair of the Audit Commission. The record, however, fails to demonstrate that the petitioner’s service on the preceding commission and committee was tantamount to judging the work of others. The documentation submitted by the petitioner for this criterion includes no evidence outlining the nature of his duties in these capacities, the projects he evaluated, the names of individuals he evaluated, or their level of expertise. The plain language of this criterion, however, requires “[e]vidence of the alien’s participation . . . as a judge of the work of others.” Further, section 203(b)(1)(A)(i) of the Act requires “extensive documentation” of sustained national or international acclaim.

In addressing the evidence submitted by the petitioner, the director stated:

[I]t is it is not shown in the evidence how the [petitioner] was evaluating other experienced and recognized experts in the field. Further, it is not shown in the evidence that the [petitioner] was elected to be a judge at the national or international level. It is only shown that the [petitioner] was elected at the local or state level.

We concur with the director’s findings for this criterion. On appeal, counsel does not challenge these findings. Further, there is no evidence that the petitioner has participated as judge of the work of others since his arrival in the United States in 1996. Without evidence showing that the petitioner has judged the work of experienced professionals at the national or international level in the years immediately preceding the petition’s filing date, we cannot conclude that his national or international acclaim has been sustained.

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.*

On appeal, counsel argues that the letters of support submitted by the petitioner demonstrate that he meets this criterion.

The October 5, 2005 letter from [REDACTED] states:

[The petitioner] introduced a novel approach into his educational activities with school students: an involvement of students into scientific field research encompassing bird and other wildlife species and their habitats. To apply this approach, he developed original concepts of novel educational forms: field schools for students and their teachers: Winter Ornithological Schools, Summer Ornithological Schools, Educational Camps in Field Ecology. [The petitioner] invited me and other specialists to monitor and evaluate his field school and camps and help as field instructors. I was very impressed by the achieved results of these novel educational forms: literally in 1-2 weeks, students had acquired knowledge on natural communities and skills of scientific research, which would otherwise require months of classroom instructions. [The petitioner] has over 10 publications of his conceptual work in environmental education.

[REDACTED], Dean, Department of Chemistry, and Professor of Chemistry, N.G. Tchernyshevsky Saratov State University, states:

[The petitioner] developed:

- Original extra-curricular educational programs (“Junior Ornithologist”).
- Original field schools, camps, and competitions for students (Winter Ornithological Schools-Camps, Summer Field Schools in Ecology, Christmas Bird Counts).
- The program of participation of RCEE students and staff in the Russian-American educational project EcoBridge. In November, 1996, the RCEE exchange group visited Kentucky and New York.

\* \* \*

The novelty of [the petitioner’s] approach in environmental education is that he was one of the first in the Russian Federation to involve students into field studies in his educational schools-camps.

Authoring over ten publications on environmental education, [the petitioner] was invited to give presentations at many All-The-Russian and International conferences . . . .

The record, however, includes no evidence showing that the petitioner’s work has attracted substantial attention outside of the Saratov region or beyond individuals from institutions with which he has been affiliated. According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), the petitioner’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. To be considered a contribution of major significance in the field of environmental education, the petitioner must show that his work has had a significant national or international impact.

A November 25, 2003 letter from [REDACTED] Licensed Architect, Siegel & Strain Architects, and a former U.S. Peace Corps volunteer who spent two years with the petitioner at the RCEE in Saratov, Russia, states:

[The petitioner] is author of several original programs in environmental education; these made him known at the national level in Russian Ministry of Education:

(1) [The petitioner] developed the Project Approach to extracurricular education of the school students in the RCEE. The RCEE, created during the former Soviet Union, is a unique facility that established a system of year-round free extracurricular public educational activities for school students. He involved the students studying there in several ecological projects.

(2) [The petitioner] was annually invited to the Saratov Regional Teacher-Training Institute to conduct training sessions including a series of lectures and field trips that state science teachers attended for renewal of their licenses.

(3) [The petitioner] developed Field Ornithology winter camps program. . . . In a remote location, [the petitioner] taught a group of middle-school students . . . field bird identification, the techniques of conducting a Christmas bird census and identification of the different wintertime habitats. Each day began with a field trip where students observed bird behavior and sampled bird numbers on a specially assigned transect. . . . His former colleagues are still conducting these camps started by [the petitioner] 10 years ago.

(4) [The petitioner] developed the program of Summer Educational Camps in Field Ecology. This involved over 100 students from the entire province of Saratov (which is approximately the size of Virginia) and represented most of its 38 counties (a county sent several students with their teacher). . . . Each day included two extensive field excursions where students trained in field identification of birds, mammals, amphibians, reptiles, fishes, insects, water invertebrates, plants, and fossils. Students also learned about ecosystems and the kinds of ecological research that can be conducted in the field. . . . By the end of such camp, the middle school students had extensive hands-on experience in field biological research and a knowledge of ecosystems equivalent to that of a college level student.

We find that the preceding educational programs and projects developed by the petitioner demonstrate a regional impact rather than a national or international impact. There is no evidence showing that any of the petitioner's educational programs were implemented nationally, nor evidence indicating that that the environmental education field as a whole has somehow changed as a result of his work.

██████████ and ██████████, Professors of Biology, N.G. Tchernyshevsky Saratov State University, state:

[The petitioner's] interest to ornithology developed when he was a dedicated and insightful student at Saratov SU [State University]. It was at that time that he published his first research papers. Later on, [the petitioner] was a graduate student studying patterns of spatial distribution of forest bird communities vs. habitat factors. The biggest contributions of [the petitioner] to ornithological science were in his studies of population dynamics and life histories of the endangered and rare bird species of the northern parts of Nizhneye Povolzhye, the unique geographical region where several climatic zones adjoin. These were [the petitioner's] pioneering studies as there weren't many conducted in this area since the late 19<sup>th</sup> century. An importance of these studies was accentuated by considerable

man-made changes to natural landscapes. These studies resulted in publications of bird species accounts in the regional Red Data Book of rare, threatened, and endangered species. [The petitioner's] further studies were published in numerous papers, proceedings and methodological compilations for biology students of the Nizhneye Povolzhye region. We believe that this was the most substantial contribution of [the petitioner] in Russian ornithology.

The petitioner developed original census methods of forest passerines and original technique of habitat description. These studies have also attracted big attention of his colleagues, and other researchers in their studies successfully applied these original approaches after [the petitioner] departed from Russia.

The record, however, includes no evidence showing that the petitioner's work attracted significant attention beyond the Saratov region or the institutions with which he has been affiliated. 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 collects data for various studies has inherently made a contribution of major significance in his field.

[redacted], Professor, Division of Animal Morphology and Ecology, Department of Biology, N.G. Tchernyshevsky Saratov State University, states:

In the 1980's and 1990's, [the petitioner] collected enormous field data on abundance, species compositions and distribution, and spatial-temporal dynamics of the birds in the region. The above data were used in over thirty of his publications in the peer-reviewed media in Russia. This confirms [the petitioner's] outstanding contribution into the development of regional ornithology. I am honored co-authoring several publications with the petitioner. In my opinion, his publications have very high quality because they are based upon reliable data and original methods.

The letters of support from [redacted], and [redacted] focus primarily on the petitioner's research publications. We do not find that publication of scholarly articles is presumptive evidence of scientific contributions of major significance; we must also consider the greater scientific community's reaction to the petitioner's research findings. When judging the influence and impact that the petitioner's published work has had, the very act of publication is not as reliable a gauge as is the citation history of the published works. Publication alone may serve as evidence of originality, but it is difficult to conclude that a published article is important or influential if there is little evidence that other researchers have relied upon the petitioner's findings. Frequent citation by independent researchers, however, would demonstrate widespread interest in, and reliance on, the petitioner's work. If, on the other hand, there are few or no citations of an alien's work, suggesting that that work has gone largely unnoticed by the greater research community, then it is reasonable to conclude that the alien's work is not nationally or internationally acclaimed as a contribution of major significance. In this case, the petitioner submitted evidence showing an aggregate of 14 cites to his published work. We cannot ignore, however, that 12 of these citations were from publications authored b [redacted] and [redacted] of N.G. Tchernyshevsky Saratov State University,

the petitioner's alma mater.<sup>2</sup> Citation by one's research collaborators, however, cannot demonstrate the response of independent researchers. The limited number of independent citations (two) from beyond the petitioner's close colleagues at N.G. Tchernyshevsky Saratov State University is not adequate to demonstrate that his research had a nationally significant impact or rises to the level of a contribution of major significance.

[REDACTED], Assistant Unit Leader and Associate Professor, North Carolina Cooperative Fish and Wildlife Research Unit, Department of Zoology, North Carolina State University, states:

I have known [the petitioner] since 1998 when he began his Ph.D. graduate program at North Carolina State University under my direction.

\* \* \*

[The petitioner's] research is directed to solving a conservation problem of international significance, the widespread declines of migratory songbird populations throughout the Western Hemisphere. His research on the factors constraining the diversity and abundance of migratory songbirds on their North American breeding grounds has made substantial contributions to this effort. He has and will continue to publish this research in top national and international scientific journals.

Without supporting documentation showing that the petitioner's research has attracted a substantial level of national or international attention (such as frequent independent citation), we cannot conclude that it fulfills this criterion.

Several of the preceding witnesses have mentioned the petitioner's published work. The petitioner's publications, however, relate 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 petitioner's published works under the next criterion.

Assistant Unit Leader and Professor, North Carolina Cooperative Fish and Wildlife Research Unit, Department of Zoology, North Carolina State University, states:

[The petitioner] has been by far one of my most "insightful" students.

\* \* \*

[The petitioner's] research work focused on quantifying the role of the Smoky Mountains National Park as a "source" for populations of selected Neotropical migrants that have exhibited declines over the past 10-15 years. Such declines are symptomatic of widespread deforestation, fragmentation of

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<sup>2</sup> The record reflects that [REDACTED] and [REDACTED] coauthored several papers with the petitioner during his studies at N.G. Tchernyshevsky Saratov State University.

remaining forested habitats, and ensuing biotic pressures such as increase rates of predation on breeding populations. His work addresses the important question of “functionality” of the Park and the role it plays in sustaining migrant populations. This question is in the forefront of conservation efforts by the United States and cooperating countries throughout the hemisphere. The scale (over 200,000 ha) at which he addresses the question is also one of the major contributions of his work. To address these questions [the petitioner] managed to generate estimates of vital parameters (e.g., breeding productivity, proportion of breeding population, survival). He then modeled the said parameters to generate a series of conservation scenarios, addressing thereby, the question of the Park’s role in conservation of migrant birds.

[The petitioner’s] work transcended the conservation arena, delving into basic science. A second major component of his work dealt entirely with behavioral ecology—the role of parental investment in minimizing or averting predation pressures. Predation is believed to be one of the selective pressures influencing nest placement, parental behavior, and clutch size—all components that contribute to a species’ fitness, or the ability to survive and reproduce, and thereby, perpetuate the species existence. Understanding such components has conservation implications because it helps to direct forest management towards practices conducive to higher breeding productivity.

[The petitioner’s] work in this regard was unique because he approached the questions via experimentation. . . . This approach will be described in detailed [sic] and published in a professional ornithological journal this year.

There is no indication that the research described in [redacted]’s letter had been published or widely cited as of the petitioner’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). Without evidence showing that this research had attracted significant attention beyond the petitioner’s professors at North Carolina State University, we cannot conclude that it represents a contribution of major significance in his field.

In regard to the letters of support submitted with this petition, we note that almost all of the petitioner’s recommendation letters were written by individuals who have had close contact with him. With regard to the personal recommendation of individuals from institutions where the petitioner has studied and worked, the source of the recommendations is a highly relevant consideration. These letters are not first-hand evidence that the petitioner has earned sustained acclaim for his contributions outside of his affiliated institutions. The statutory requirement that an alien have “sustained national or international acclaim,” necessitates evidence of recognition beyond direct acquaintances of the petitioner. 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 showing that he coauthored several articles and books in Russia during the 1980's and 1990's. The record, however, includes no circulation statistics for these publications indicating that they qualify as "professional or major trade publications or other major media." While the citation list submitted by the petitioner demonstrates a small degree of local interest in his published work, he has not shown that an aggregate of 14 citations (only two of which were independent cites) over a research career spanning almost three decades elevates him above almost all others in his field at the national or international level. We accept that the petitioner authored scholarly publications during the 1980's and 1990's, but the weight of this evidence is diminished by a lack of evidence showing that the greater field regards the petitioner's published findings as particularly significant.

In response to the director's request for evidence, the petitioner submitted evidence of an article published in the "Summer 2004" issue of *Journal of Field Ornithology*. This article, however, was published subsequent to the petition's filing date. **A petitioner must establish eligibility at the time of filing.** 8 C.F.R. § 103.2(b)(12); see *Matter of Katigbak*, 14 I&N at 45. Accordingly, the AAO will not consider the article in this proceeding. The record is devoid of evidence showing that the petitioner published work in professional or major trade publications or other major media from 2000 through the petition's January 7, 2004 filing date.<sup>3</sup> Without evidence demonstrating that the petitioner published scholarly articles during the four-year period preceding the petition's filing date, we cannot conclude that his acclaim has been sustained.

In light of the above, 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 the petitioner's role within the entire organization or establishment and the reputation of the organization or establishment.

The petitioner submitted evidence showing that he served as Deputy Director, RCEE, Saratov State Department of Education, Saratov, Russia, from 1990 to 1996. We accept that the petitioner's position of Deputy Director at the RCEE was a leading role. The regulation at 8 C.F.R. § 204.5(h)(3)(viii), however, also requires the petitioner to demonstrate that the preceding organization has a distinguished reputation. On appeal, counsel cites the recommendation letters submitted by the petitioner's professional acquaintances as evidence that the RCEE had a distinguished reputation.

The letter of support from [REDACTED] states:

RCEE was a leading organization coordinating environmental education in the public school system of the State of Saratov (over 1,500 schools). RCEE had acquired the All-Russian recognition for their innovative educational approaches and had a distinguished reputation among similar educational establishments in Russia Federation.

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<sup>3</sup> The petitioner submitted a copy of his Ph.D. dissertation from 2002, but there is no evidence showing that it was published in professional or major trade publications or other major media.

A letter of support from [REDACTED] Deputy Minister of Education, State of Saratov, states: "Saratov RCEE is the head establishment in extra-curricular environmental education in the State of Saratov. It is an educational and methodological center, whose reputation is recognized at the national and international levels."

In response to the director's request for evidence, the petitioner submitted a September 30, 2005 letter from [REDACTED] stating:

The U.S. Peace Corps assigned me to assist the Regional Center for Environmental Education . . . with the task of fundraising, development of grass roots environmental initiatives and helping to coordinate international student exchange. It was a policy of Peace Corps Western Russia to choose established organizations with distinguished reputations for placement of volunteers. RCEE's distinguished reputation was established thorough its work with students and teachers of over 1,000 schools in the state with a population of 2,800,000.

While we accord some weight to the preceding assertions, the fact that all three of these witnesses worked in the educational system of the Saratov region is a relevant consideration. We note here that we are not presuming their statements are biased or insincere. Rather, we find that their opinions regarding the RCEE are not supported by contemporaneous evidence showing that this organization had a distinguished national reputation during the petitioner's tenure as Deputy Director. There is no evidence of independent press reports or other objective evidence establishing that this organization had a distinguished reputation during the 1990's. Evidence in existence prior to the preparation of the petition is of far greater probative value than recommendation letters prepared especially for submission with the petition. Where the regulations require specific, objective evidence in support of a petition, the petitioner's burden of proof is not satisfied by submitting unsupported testimony. *See* 8 C.F.R. § 103.2(b)(1). Further, 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. The regulations governing the present immigrant visa determination have no requirement mandating that CIS specifically accept the credibility of personal testimony, even if not corroborated. Without contemporaneous, objective evidence demonstrating the distinguished national reputation of the RCEE during the 1990's, we cannot conclude that the petitioner has satisfied the requirements of 8 C.F.R. § 204.5(h)(3)(viii).

From 1996 to 2003, the petitioner was a graduate student at Yale University (earning a M.S. in Environmental Studies in 1998) and at North Carolina State University (earning a Ph.D. in Zoology in 2003). We do not find that the petitioner's role as a graduate student at these institutions was tantamount to a "leading or critical role" for either university. There is no evidence showing that the petitioner has served in a leading or critical role (comparable to his Deputy Director position) since his arrival in the United States in 1996. Without such evidence, we cannot conclude that his national acclaim has been sustained.

In light of the above, the petitioner has not established that he 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 an October 29, 2003 letter from [REDACTED] of North Carolina State University stating that the petitioner earned \$23,000 per year. The petitioner also submitted a June 3, 1994 letter from State of Saratov Ministry of Education stating that he earned 14,780 rubles per month as Deputy Director of the RCEE. The plain language of this criterion, however, requires the petitioner to submit evidence of a “high salary . . . in relation to others in the field.” The petitioner offers no national wage statistics as a basis for comparison showing that his compensation was significantly high in relation to others in his field. There is no evidence that the petitioner earned a level of compensation placing him among the highest paid individuals in his field at the national level. On appeal, counsel does not contest the director’s conclusion that the petitioner has not established that his remuneration was significantly high in relation to others in the field and we concur with the director. Thus, 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 national or international acclaim necessary to qualify as an alien of extraordinary ability. Further, the petitioner has not submitted evidence establishing that he has sustained national or international acclaim in his field since his arrival in the United States in 1996.

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) 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.