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U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: NEBRASKA SERVICE CENTER Date: JUL 07 2009

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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:

SELF-REPRESENTED

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom
Acting 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 athletics. 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. More specifically, the director found that the petitioner had failed to demonstrate receipt of a major, internationally recognized award, or that he meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3). The director also determined that the petitioner had not submitted clear evidence that he would continue to work in his area of expertise in the United States.

On appeal, the petitioner argues that he meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3) and that he submitted sufficient evidence demonstrating that he is coming to the United States to continue work in his area of expertise.

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.

U.S. Citizenship and Immigration Services (USCIS) 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 December 28, 2006, seeks to classify the petitioner as an alien with extraordinary ability as an athlete, a trainer, and a coach. The petitioner's areas of expertise include karate, boxing, kickboxing, and ultimate fighting. Regarding his plans to continue to work in the United States, the petitioner submitted a December 11, 2006 letter from [redacted], a boxing promoter in Philadelphia, stating that he is "considering a possibility of signing a boxing contract with [the petitioner]." The petitioner's continuation of his work in the United States will be further addressed below in our discussion of the evidence pertaining to the regulation at 8 C.F.R. § 204.5(h)(5).

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 under 8 C.F.R. § 204.5(h)(3).[1]

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 the following:

1. Certificate of Participation stating: "[The petitioner] has attended as Amateur Muay Thai Contestant in the 3rd Amateur Muay Thai World Championships, held on 9th – 16th February 1997;"
2. Participants I.D. from the World Profi Kick Boxing Association identifying him as a fighter in the "World Championship 2001;"
3. An April 10, 2006 Letter of Invitation from the President of the United States Kickboxing Association (USKBA) Action Sports to the Georgian Thaiboxing and Kickboxing Federation inviting the petitioner and five others to participate in the 2006 USKBA Action Sports World Championships Amateur Tournaments from September 2-3, 2006;

[1] The petitioner does not claim to meet or submit evidence relating to the criteria not discussed in this decision.

4. A May 13, 2006 letter from the Director of Technical Operations for the World Association of Kickboxing Organizations (WAKO) U.S. Open Kickboxing Championships inviting the petitioner to compete in the championships from September 15-17, 2006; and
5. A December 11, 2006 reference letter from the President of the Georgian Thaiboxing & Kickboxing Federation stating: "In 1992 in Turkey, Istanbul was held C[ha]mpionship in Greece-Rome wrestling for the first time and [the petitioner] occupied the first place and got the gold medal."

With regard to items 1 through 5, there is no evidence from the competitions' organizers showing that the petitioner received a prize or award at these championships. For example, rather than submitting primary evidence of his first place award from the organizing body of the 1992 Greco-Roman Wrestling Championship in Turkey, the petitioner instead submitted a letter mentioning the gold medal from a third-party organization with no demonstrable ties to Greco-Roman wrestling. 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)). A petition must be filed with any initial evidence required by the regulation. 8 C.F.R. § 103.2(b)(1). The nonexistence or other unavailability of primary evidence creates a presumption of ineligibility. 8 C.F.R. § 103.2(b)(2)(i). The record does not include evidence demonstrating that the petitioner actually received a prize or award at the above events.

The petitioner submitted two certificates from the World Kickboxing Association stating that he "won a Gold Medal competing in the 2002 Amateur World Championships" and placed 2nd in the "Low kick" style at the "World Kickboxing Championships" in 2000.

The petitioner also submitted a "Europe Ranking" from the Federation Internacional de Artes Marciales (FIDAM) internet site listing the petitioner as the "Champion Germany" for Muay Thai. The FIDAM listing does not specify the event name or the date of the competition in which the petitioner earned this ranking. In response to the director's request for evidence, the petitioner submitted a March 7, 2008 letter from the President of the Georgian Thaiboxing & Kickboxing Federation stating that the petitioner won the German Championship in Kickboxing in Pinneberg, Germany in 2003. The record also includes an article in the sports section of *Hamburger Abendblatt* discussing the petitioner's victory.

With regard to an awards won by the petitioner in amateur competition, we do not find that such awards indicate that he "is one of that small percentage who have risen to the very top of the field of endeavor." *See* 8 C.F.R. § 204.5(h)(2). There is no indication that the petitioner faced competition from throughout his field, rather than limited to his approximate skill level within the field. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Commr. 1994); 56

Fed. Reg. at 60899.[2] Likewise, it does not follow that a kickboxer who has had success in amateur competition should necessarily qualify for an extraordinary ability employment-based immigrant visa. To find otherwise would contravene the regulatory requirement at 8 C.F.R. § 204.5(h)(2) that this visa category be reserved for "that small percentage of individuals that have risen to the very top of their field of endeavor."

Regarding the petitioner's awards at the World Kickboxing Championships (2000), the Amateur World Championships (2002), and the German Championship (2003), the record lacks supporting evidence demonstrating the significance and magnitude of the competitive events won by the petitioner.[3] The name of the competitions alone, without evidence such as the number of entrants who competed in the petitioner's weight category or their level of experience, is not sufficient to establish that awards received at the competition are nationally or internationally recognized. The plain language of the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i) specifically requires that the petitioner's awards be nationally or internationally *recognized* in the field of endeavor and it is his burden to establish every element of this criterion. In this case, there is no evidence showing that petitioner's awards had a significant level of recognition beyond the competitive events where they were presented. Further, there is no evidence showing that the petitioner has received a competitive award since 2003. The statute and regulations require the petitioner's national or international acclaim to be "sustained." *See* sections 203(b)(1)(A)(i) of the Act, 8 U.S.C. §§ 1153(b)(1)(A)(i), and 8 C.F.R. §§ 204.5(h)(3). Thus, without more recent qualifying evidence relating to this criterion or other criteria, the petitioner cannot establish that he had sustained national or international acclaim as of the filing date, December 28, 2006.

Nationally or internationally recognized prizes or awards won by competitive athletes coached primarily by the petitioner can also be considered for this criterion. In that regard, the petitioner submitted a July 5, 2006 letter from the President of the Georgian Thaiboxing & Kickboxing Federation stating: "[The petitioner] is entitled to all the rights to coach Thaiboxing and Kickboxing internationally and has five years of training experience." The petitioner also submitted various

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[2] While we acknowledge that a district court's decision is not binding precedent, we note that in *Matter of Racine*, 1995 WL 153319 at *4 (N.D. Ill. Feb. 16, 1995), the court stated:

> [T]he plain reading of the statute suggests that the appropriate field of comparison is not a comparison of Racine's ability with that of all the hockey players at all levels of play; but rather, Racine's ability as a professional hockey player within the NHL. This interpretation is consistent with at least one other court in this district, *Grimson v. INS*, No. 93 C 3354, (N.D. Ill. September 9, 1993), and the definition of the term 8 C.F.R. § 204.5(h)(2), and the discussion set forth in the preamble at 56 Fed. Reg. 60898-99.

Although the present case arose within the jurisdiction of another federal judicial district and circuit, the court's reasoning indicates that USCIS' interpretation of the regulation at 8 C.F.R. § 204.5(h)(2) is reasonable.

[3] National competitions typically issue event programs listing the names of the participating contestants and the order of events. At a competition's conclusion, results are usually provided indicating how each participant performed in relation to the other competitors. The petitioner, however, has provided no evidence of the official comprehensive results for the competitive categories in which he received awards.

coaching credentials and licenses. In response to the director's request for evidence, the petitioner submitted a March 7, 2008 letter from the Director of the Battle Art Federation of Georgia "Sport Club" stating that the petitioner "trained [redacted] . . . who in 2003 proved to be the strongest sportsman and won World Championship." The preceding letter does not provide any further information regarding the sporting event in which [redacted] competed. Rather than submitting primary evidence of [redacted]'s award from the World Championship's organizers, the petitioner instead submitted a letter from a representative of the petitioner's sports club attesting to the award's existence. 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. at 158, 165 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. at 190). A petition must be filed with any initial evidence required by the regulation. 8 C.F.R. § 103.2(b)(1). The nonexistence or other unavailability of primary evidence creates a presumption of ineligibility. 8 C.F.R. § 103.2(b)(2)(i). The record does not include substantive evidence demonstrating that [redacted] actually received a World Championship award or that the award was nationally or internationally recognized in the petitioner's field.

In this case, there is no evidence demonstrating that the petitioner or athletes coached primarily by him have won nationally or internationally recognized prizes or awards in his sport. Accordingly, 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.*

The petitioner submitted a July 5, 2006 letter from the President of the Georgian Thaiboxing & Kickboxing Federation stating that the petitioner is a member of the Georgian Federation of Thai Boxing and Kickboxing Trainer's Council. The petitioner also submitted his credentials from the Battle Art Federation of Georgia "Sport Club," World Profi Kick Boxing Association, and World Kickboxing Association. The record, however, does not include evidence (such as membership bylaws) showing the official admission requirements for these organizations.

In response to the director's request for evidence, the petitioner submitted a March 7, 2008 letter from the President of the Georgian Thaiboxing & Kickboxing Federation stating that the petitioner "was the leading member of the combined team of Thai boxing and Kickboxing Federation of Georgia" from 1995 until 2004." The record, however, does not include supporting evidence showing that membership on this team required outstanding achievements. Membership on an Olympic Team or a major national team such as a World Cup soccer team can serve to meet this criterion. Such teams are limited in the number of members and have a rigorous selection process. We reiterate, however, that it is the petitioner's burden to demonstrate that he meets every element of a given criterion, including that he is a member of a team that requires outstanding achievements of its members, as judged by recognized national or international experts. We will not presume that every national "team" is sufficiently exclusive. Without documentary evidence showing the selection requirements for the combined team of the Georgian Thaiboxing & Kickboxing Federation, we cannot conclude that the petitioner meets the elements of this regulatory criterion.

In this case, there is no evidence showing that the preceding organizations require outstanding achievements of their members, as judged by recognized national or international experts in the petitioner's field or an allied one. Accordingly, the petitioner has not established that he meets this criterion.

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

In general, 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 level from a local publication. Some newspapers, such as the *New York Times*, nominally serve a particular locality but would qualify as major media because of significant national distribution, unlike small local community papers.[4]

The petitioner submitted a May 15, 2003 article in the sports section of *Hamburger Abendblatt*, but the article was unaccompanied by a certified English language translation. Pursuant to 8 C.F.R. § 103.2(b)(3), any document containing foreign language submitted to USCIS 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. On appeal, the petitioner submits a certified translation of the captioned photograph of him that appeared with the *Hamburger Abendblatt* article, but the article itself was unaccompanied by full English language translation as required by the regulation. Without a full translation, the petitioner has not established that this article is about him. Further, the author of this article was not identified as required by the plain language of this regulatory criterion. Finally, there is no evidence (such as circulation statistics) showing that this newspaper qualifies as a professional or major trade publication or some other form of major media.

The petitioner also submitted an article about him in *Solidarity*, a Georgian newspaper. The English language translation that accompanied this article was not certified as required by the regulation at 8 C.F.R. § 103.2(b)(3). Further, the date of the article was not provided as required by the plain language of this regulatory criterion. Finally, there is no evidence showing that this newspaper qualifies as a professional or major trade publication or some other form of major media.

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

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

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. The weight given to evidence submitted to fulfill the criterion at 8 C.F.R. § 204.5(h)(3)(iv), therefore, depends on the extent to which such evidence demonstrates, reflects, or is consistent with sustained national or international acclaim at the very top of the alien's field of endeavor. A lower evidentiary standard would not be consistent with the regulatory definition of "extraordinary ability" as "a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

The petitioner submitted a July 5, 2006 letter from the President of the Georgian Thaiboxing & Kickboxing Federation stating that the petitioner is a member of the "Georgian Federation Thai Boxing and Kickboxing Trainer's Council" and that he "is entitled to all the rights to coach Thaiboxing and Kickboxing internationally and has five years of training experience." On appeal, the petitioner asserts that his "duty was to evaluate the candidate for national team [sic]." The content of the July 5, 2006 letter from the President of the Georgian Thaiboxing & Kickboxing Federation does not support the petitioner's assertion. 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. at 158, 165 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. at 190). There is no evidence showing that the petitioner evaluated candidates for the aforementioned national team.

Nevertheless, the plain language of this regulatory criterion requires "[e]vidence of the alien's participation . . . as a judge of the work of others in the same or an allied field of specification." We cannot conclude that performing coaching duties is tantamount to judging the work of others in the field. While a coach or trainer does evaluate the work of his or her athletes, this evaluation is inherent in the process of athletic training. The petitioner's status as a coach demonstrates his knowledge and competency in kickboxing instruction, but he has not established that his position meets the plain language of this regulatory criterion or that it is indicative of sustained national or international acclaim at the very top of the field. Further, there is no evidence showing the names of the athletes evaluated by the petitioner, their level of expertise, the dates of their evaluation, or documentation of his assessments. Without evidence showing, for example, the athletes actually judged or that the petitioner's activities involved judging top competitors in his sport or were otherwise consistent with sustained national or international acclaim at the very top level of his field, we cannot conclude 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.

We acknowledge the petitioner's submission of reference letters from individuals such as the President of the Georgian Thaiboxing & Kickboxing Federation and the Director of the Battle Art Federation of Georgia "Sport Club" discussing the petitioner's accomplishments as a kickboxer and a coach. The record, however, lacks evidence showing that the petitioner has made original athletic contributions that have significantly influenced or impacted his field. With regard to the petitioner's athletic and coaching achievements, the reference letters do not specify exactly what the petitioner's original contributions in kickboxing have been, nor is there an explanation indicating how any such contributions were of major significance in his sport. 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 has helped his athletes with their skills and training, there is nothing in the reference letters to suggest that he has developed original training techniques, as opposed to methodologies passed down from his own tutelage in the sport. Further, even if the techniques taught by the petitioner were found to be original, there is nothing to demonstrate that these techniques have had major significance in his field. For example, there is no evidence showing that the petitioner's training techniques have been widely adopted throughout his sport or have significantly influenced others in his sport nationally or internationally.

In this case, the letters of support submitted by the petitioner are not sufficient to meet this criterion. These letters, while not without weight, cannot form the cornerstone of a successful extraordinary ability claim. USCIS may, in its discretion, use as advisory opinion statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Commr. 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of letters of support from the petitioner's personal contacts is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795. Thus, the content of the writers' 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 that one would expect of a kickboxer or a coach who has sustained national or international acclaim. Without extensive documentation showing that the petitioner's work has been unusually influential, highly acclaimed throughout his sport, or has otherwise risen to the level of original contributions of major significance, we cannot conclude 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 a December 7, 2006 reference letter from the "Head of Chair of Finances and Bank Affairs of Faculty of Economics," [redacted] Tbilisi State University, stating:

> In 2002 [the petitioner] published the Ar[t]icle "The Contradictory Character of Formation of Georgian Bank System." . . . In 2004 [the petitioner] had completed the post-graduate course

> and defended the thesis, for what [sic] he was conferred the degree of the Candidate of the Economic Sciences and had got the Diploma of Scientific Candidacy.

Rather than submitting primary evidence of his article, the petitioner instead submitted a letter from his university mentioning its publication. 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. at 158, 165 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. at 190). A petition must be filed with any initial evidence required by the regulation. 8 C.F.R. § 103.2(b)(1). The nonexistence or other unavailability of primary evidence creates a presumption of ineligibility. 8 C.F.R. § 103.2(b)(2)(i). Nevertheless, the petitioner's economic article pertaining to the Georgian Banking System does not constitute a scholarly article in the field for which classification is sought, coaching and athletics. The statute and regulations require that the petitioner seeks to continue work in his area of expertise in the United States. *See* section 203(b)(1)(A)(ii) of the Act, 8 U.S.C. § 1153(b)(1)(A)(ii), and 8 C.F.R. § 204.5(h)(5). Further, there is no evidence showing that the petitioner's article was published in a professional or major trade publication or some other form of major media. Accordingly, 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.*

At issue for this criterion are the position the petitioner was selected to fill and the reputation of the entity that selected him. In other words, the position must be of such significance that the alien's selection to fill the position, in and of itself, is indicative of or consistent with national or international acclaim.

In response to the director's request for evidence, the petitioner submitted a March 7, 2008 letter from the President of the Georgian Thaiboxing & Kickboxing Federation stating that the petitioner "was the leading member of the combined team of Thai boxing and Kickboxing Federation of Georgia" from 1995 until 2004." There is no evidence showing that this team had a distinguished reputation. Further, without objective evidence showing that the petitioner's competitive achievements differentiated him from those of his team members (such as comprehensive competitive statistics for all team members), we cannot conclude that his role for the team was leading or critical. The record also lacks information regarding the specific nature of the petitioner's role as a trainer and a coach for the Georgian Thaiboxing & Kickboxing Federation team. For example, there is no evidence showing that his role differentiated him from the other members of the team's coaching staff. With regard to the petitioner's roles as a coach and a kickboxing competitor, there is no evidence showing that he was responsible for his team's success or standing to a degree consistent with the meaning of "leading or critical role" and indicative of sustained national or international acclaim. Accordingly, 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. 8 C.F.R. § 204.5(h)(3). The conclusion we reach by considering the evidence

to meet each criterion separately is consistent with a review of the evidence in the aggregate. Even in the aggregate, the evidence does not distinguish the petitioner as one of the small percentage who has risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2). Further, there is no evidence showing that the petitioner's national or international acclaim as an athlete or a coach has been sustained. *See* section 203(b)(1)(A)(i) of the Act, 8 U.S.C. § 1153(b)(1)(A)(i), and 8 C.F.R. § 204.5(h)(3). Specifically, the record does not include evidence of nationally or internationally acclaimed achievements and recognition subsequent to 2003.

The director also found that the petitioner had not submitted clear evidence that he would continue to work in his area of expertise in the United States. The regulation at 8 C.F.R. § 204.5(h)(5) requires "clear evidence that the alien is coming to the United States to continue work in the area of expertise. Such evidence may include letter(s) from prospective employer(s), evidence of prearranged commitments such as contracts, or a statement from the beneficiary detailing plans on how he or she intends to continue his or her work in the United States."

The petitioner submitted a December 11, 2006 letter from [redacted], a boxing promoter in Philadelphia, stating that he is "considering a possibility of signing a boxing contract with [the petitioner]." The record, however, does not include evidence showing that such a contract was ever executed. In response to the director's request for evidence, the petitioner submitted a March 6, 2008 letter from [redacted] stating: "[The petitioner] is determined in continuing his highly successful kick-boxing career. As his promoter I quickly notice his nature [sic] talent as a professional kick-boxer." The content of [redacted] two letters does not provide clear examples indicating the means through which the petitioner will continue work as a professional kick-boxer in the United States. For example, [redacted] does not specify the petitioner's training regimen or future competitive events in which the petitioner will be entered. Further, we cannot ignore the December 7, 2006 letter from Ivane Javakhishvili Tbilisi State University indicating that the petitioner earned a degree in Economics in 2004. Finally, we note that [redacted] name is spelled differently in his December 11, 2006 and March 6, 2008 letters.[5] It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Id.* at 591. Accordingly, based on the preceding inconsistencies in the petitioner's evidence, we concur with the director's finding that the petitioner has not submitted clear evidence that he will continue to work in his area of expertise in the United States.

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 a national or international level. Nor is there clear evidence demonstrating that the petitioner will continue to work in his area of

[5] In addition, [redacted] signatures on the two letters are completely different.

expertise in the United States. Therefore, the petitioner has not established eligibility pursuant to sections 203(b)(1)(A)(i) and (ii) 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.