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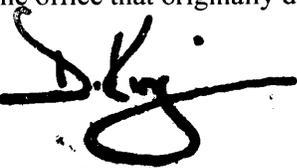
IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

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

ON BEHALF OF PETITIONER:  
[REDACTED]

INSTRUCTIONS:

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

  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office 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 business. 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.

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.

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 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 she has earned sustained national or international acclaim at the very top level.

This petition, filed on July 25, 2003, seeks to classify the petitioner as an alien with extraordinary ability as an investment researcher. At the time of filing, the petitioner was working as an Equity Research Associate at Citigroup Asset Management (CAM).

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. 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 certificates indicating that she was named to the Dean's List at Lafayette College seven times "in recognition of superior academic work."

The petitioner also submitted the following:

A certificate from 1995 stating that the petitioner was "initiated as a member into the Alpha Delta Chapter of Pennsylvania" of Omicron Delta Epsilon, the International Honor Society in Economics, for "high scholastic achievement in the field of Economics."

An April 1, 1995 letter informing the petitioner of her invitation to membership in the Lafayette College chapter of Phi Beta Kappa in recognition of her "outstanding record of achievement at Lafayette."

An April 2, 1996 letter informing the petitioner of her election to membership in the Beta-Xi Chapter of "Phi Alpha Theta, the national honor society for history students."

The petitioner's Dean's List honors and election to membership by local college chapters of the preceding honor societies constitute local recognition, rather than national or international recognition in her field of endeavor. Furthermore, the petitioner's election to membership in an "honor society for history students" does not relate to the area of expertise in which the petitioner seeks employment (investment research). University study is not a field of endeavor, but, rather, training for future employment in a field of endeavor. The Dean's List honor certificates and honor society memberships were not presented for excellence in the business field, but, rather, for general scholastic achievements and other traits deemed praiseworthy by Lafayette College and its local honor society chapters. A student award may place the petitioner among the top students at her particular college or university, but it offers no meaningful comparison between the petitioner and the nation's most established and experienced investment researchers, who are employed in their own right and who do not compete for local academic recognition. We are not persuaded that superior academic achievement is a rare mark of national acclaim or extraordinary ability in one's field of endeavor.

*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 an April 21, 2003 letter welcoming her to regular membership in the Association for Investment Management and Research (AIMR). This letter states that the AIMR has "more than 60,000 members." The petitioner also submitted a document entitled "HOW TO MAINTAIN YOUR AIMR MEMBERSHIP." According to this document, a regular member must:

1. Hold a bachelor's degree from an accredited institution or have equivalent education or work experience.
2. Currently be engaged in acceptable professional work experience.
3. Pass level I of the CFA [Chartered Financial Analyst] Program and have three years of acceptable professional work experience in the investment decision-making process.

or

Pass the AIMR Self-Administered Standards of Professional Practice Examination and have six years of acceptable professional work experience in the investment decision-making process.

The above guidelines make it clear that outstanding achievement is not a prerequisite for membership in the AIMR.

The petitioner also submitted a letter from the AIMR indicating that she "passed Level I of the CFA Study and Examination Program."<sup>1</sup> We cannot ignore that this program "emphasizes the knowledge and skills needed to be involved in asset valuation or portfolio management." Satisfying the basic requirements for employment in a particular occupation is not evidence of outstanding achievement. Furthermore, we note that beyond Level I of the CFA Study and Examination Program, two progressively higher levels of qualification exist: Level II and Level III. The record contains no evidence showing that the petitioner has passed Levels II and III.

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<sup>1</sup> At the top of this letter appears a website address for the AIMR. Information from the AIMR website, <http://www.aimr.org> (accessed August 15, 2005), states:

[T]he CFA Program is intended to *supplement* the education and work experience of investment professionals. Although the program is open to a wide range of investment specialists, the curriculum emphasizes the knowledge and skills needed to be involved in asset valuation or portfolio management.

The CFA Program is comprised of three levels, each culminating in an examination. You must pass each level sequentially, and fulfill other requirements of the program, before earning the right to use the CFA designation. In general, each level of the program requires 250 hours of preparation, although time will vary from candidate to candidate based on familiarity with the material. The Level I examination is composed of multiple-choice questions, Level II is composed of item sets (multiple choice questions based on a common vignette), and Level III consists of essays and item sets.

The petitioner also submitted an April 21, 2003 letter welcoming her to regular membership in the New York Society of Security Analysts (NYSSA). This letter states that the NYSSA has “over 8,000 members.”<sup>2</sup> There is no evidence showing that outstanding achievement is a prerequisite for admission to membership in the NYSSA, or that the petitioner’s admission to membership was evaluated by experts at the national or international level.

The petitioner also submitted a certificate indicating that she was “elected an Associate Member” of Sigma Xi in 2003. The petitioner submitted a document, entitled “About Sigma Xi – Overview,” which states: “Those who have shown potential as researchers are invited to join as associate members. Full membership is conferred upon those who have demonstrated noteworthy achievements in research.” From this information, it is apparent that outstanding achievement is not required for admission as an Associate Member.<sup>3</sup> Rather, an

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<sup>2</sup> At the top of this letter appears a website address for the NYSSA. Information from the NYSSA website, <http://www.nyssa.org> (accessed August 15, 2005), states:

To become a regular member, the candidate shall:

- hold a bachelor's degree from an accredited academic institution or have equivalent education or work experience.
- have attained one or more of the following:
  - have attained 48 months (four years) of Acceptable Professional Work Experience and have passed Level I of the CFA Program or other such appropriate examination approved by the CFA Institute Board of Governors; or
  - have attained 48 months (four years) of Acceptable Professional Work Experience and understand that final approval for Regular Membership is contingent on passing CFA Institute's Self-Administered Standards of Practice Examination. I understand that I will be approved as an Affiliate Member pending passage of the self-administered exam; or
  - already have been awarded a CFA charter;
- sign and submit to CFA Institute a Member's Agreement and a Professional Conduct Statement; and
- complete any additional application procedures or requirements established by CFA Institute for Regular Membership in CFA Institute.
- All candidates will need two sponsors: one must be a Regular NYSSA member, the other should be your immediate supervisor. If you are self-employed or a senior supervisor, you will need two Regular NYSSA members to sponsor you.

<sup>3</sup> Information from Sigma Xi’s website, <http://www.sigmaxi.org> (accessed August 15, 2005), states:

Requirements for Election or Promotion to Membership.

individual need only demonstrate an “aptitude for research which is expected in due course to lead to the fulfillment of the requirements for full membership.” Clearly, “Full Membership” is indicative of a higher level of achievement.

As previously noted, the petitioner submitted evidence of her membership in the Alpha Delta Chapter of Pennsylvania of Omicron Omicron Delta Epsilon, the Lafayette College chapter of Phi Beta Kappa, and the Beta-Xi Chapter of Phi Alpha Theta. It is clear from the documentation provided by the petitioner that she was admitted to membership at the local chapter level rather than the national or international level (as required by the regulation). Furthermore, members in these student honor societies are admitted based on scholastic achievement rather than outstanding achievement in the investment research field.

In conclusion, there is no evidence to establish that the petitioner’s membership in the preceding organizations required “outstanding achievements” in investment research or that her admission to membership was evaluated by financial experts at the national or international level. There is no indication that that the preceding organizations require outstanding achievement of their members in the same manner as highly exclusive associations such as the U.S. National Academy of Sciences.

*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.*

As previously noted, 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 professionals as a member on a national panel of experts is of far greater probative value than evaluating students or one’s coworkers.

Counsel states that the petitioner “is a judge of the work of others in a recruiting context. The alien has the vital responsibility of interviewing potential candidates for her employer, Citigroup Asset Management.” Counsel cites the letter from Karen Alsup, now a Senior Vice President in the Corporate Finance Division of Wachovia Corporation, and formerly a Vice President/Senior Portfolio Manager in the Emerging Market Equities Division at Citigroup, who states:

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Member (Full Member): Any individual who has shown noteworthy achievement as an original investigator in a field of pure or applied science is eligible for election or promotion to full membership in the Society by a chapter or the Committee on Qualifications and Membership.

Associate Member: Any individual who has, through initial research achievement in a field of pure or applied science, shown aptitude for research which is expected in due course to lead to the fulfillment of the requirements for full membership, is eligible for election to associate membership by a chapter or the Committee on Qualifications and Membership.

[The petitioner's] expertise and know-how have also been crucial in spotting, mentoring, and developing junior resources and future talent at Citigroup. She is actively involved in reviewing resumes, interviewing candidates, and persuading the chosen candidates to join the firm. Her input has been essential in the professional development of junior workers in her field.

It is reasonable to conclude that participation in the hiring and training process for "junior workers" is a routine duty expected of Equity Research Associates at CAM. There is no evidence showing that the petitioner held the final authority in the hiring process at CAM. Nor is there evidence demonstrating that the petitioner has formally judged the work of established financial professionals who have long since completed their initial job training. Performing job interviews or assisting in the professional development of junior workers (a local or institutional function) is not adequate to distinguish the petitioner from almost all others in her field, nor is it adequate to demonstrate her national or international acclaim.

Counsel further states:

[The petitioner] was chosen to be an Economics Research Assistant while at Brandeis University, where she was responsible for coaching other graduate students in the methodology and execution of various financial projects. In addition, she helped them resolve issues which arose during their practical work, data analysis and presentations [REDACTED] confirms the alien's role as a judge. . . .

Contrary to counsel's claim, the letter from [REDACTED] Dean of Studies and Associate Professor of Economics at Lafayette College, offers no information regarding the petitioner's role as a "judge of the work of others" in her field. 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). Furthermore, we cannot ignore that [REDACTED] has never served on the faculty at Brandeis University; therefore, his observations in regard to the petitioner's activities there are of limited probative value. Nonetheless, we do not find that teaching, coaching, or supervising students is tantamount to judging the work of others in one's field for purposes of satisfying this criterion. It is noted that a Brandeis University faculty member, rather than the petitioner, was the final authority on issues relating to the students in the Economics Department that university. While a teacher, or a research assistant who teaches as a collateral duty, does evaluate the work of his or her students or trainees, this evaluation is commonplace and inherent to the process of teaching in an educational setting. Contributing to the training of students at one's university, however, does not elevate the petitioner above almost all others in her field at the national or international level. We find no evidence to demonstrate that the petitioner has formally judged the work of established economics researchers (such as tenured professors) who have long since completed their graduate studies.

In conclusion, the petitioner's involvement in training "students" or in developing "junior workers" is not indicative of national or international acclaim and does not fulfill this criterion.

*Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.*

The petitioner provided letters of support from several individuals who affirm that the petitioner is an expert in international finance. We cite representative examples here.

Carlos Gomez-Lopez, a Vice President at CAM, states:

At CAM, [the petitioner] is primarily responsible for being in charge of coverage for the Chilean and Peruvian banking industry, as well as providing constant and timely support for the coverage of the banking sectors in Argentina, Brazil, Mexico, Spain, and Portugal.

\* \* \*

[The petitioner] developed important banking industry models for Chile, Peru, Brazil, and Mexico, by gathering macroeconomic data from the Ministries of Finance from each country, and projecting trends based on the historical data and current events, as well as obtaining banking industry data from the Superintendency of Banks and Insurance Institutions from each country.

\* \* \*

[The petitioner] built extensive banking models of Latin American and Iberian banks, analyzing historical financial statements (income statement, balance sheet, changes in shareholders' equity and cash flows), and making projections for future potential earnings and financial position and strength based on their current situation.

\* \* \*

[The petitioner] provided recommendations to buy, sell, or hold on 18 covered companies to portfolio managers, for regional portfolios as well as for global ones.

The record, however, contains no quantitative data indicating that the petitioner's recommendations significantly outperformed those of other investment researchers throughout her industry. Nor is there evidence indicating that the petitioner's impact on the financial services industry extends beyond her immediate employer and its clients.

██████████ Vice President, Global Investment Research, Goldman Sachs, asserts that the petitioner "has made original contributions of major significance to her field," but Ms. Bigio does not specifically identify any of the petitioner's original investment research contributions or discuss their impact on the financial services industry. Effectively performing the routine duties expected of a capable equity research associate is not evidence of a major contribution in the investment research field.

██████████ of Lafayette College notes that he served as advisor for the petitioner's honors thesis, entitled "The Accord for Immediate Assistance to Debtors (ADE); How Effective a Relief Measure?" He further states:

[The petitioner's] original research examines the impact of Mexico's Assistance to Debtor's program. Her work employed qualitative and quantitative research strategies, including a thorough exploration of one of the programs put in place to stabilize the economy. Based on my experience, not only was [the petitioner's] study of the highest quality in terms of its resource methodology, analysis and insightfulness, but it showed her to possess rare intellectual courage and the confidence to be a pacesetter in a new policy area.

██████████ adds that the petitioner was among 2,000 students who registered and presented their research papers at the National Conferences on Undergraduate Research in 1996. The record, however, contains no evidence showing that the petitioner's thesis was published or that it attracted widespread attention from financial scholars, economists, or investment professionals. Beyond showing that her work was presented at a student conference, the petitioner must show that it has had a substantial impact on the financial services industry at the national or international level.

Karen Alsup, who worked with the petitioner at Citigroup, states: "[The petitioner] constructed a paper long/short portfolio for the Global Financial Group and presented their performance on a weekly basis, which contributed directly to the creation of a financial sector portfolio, with an inflow of \$250 million." There is no indication, however, that this work significantly influenced the petitioner's field or distinguished her from other capable investment researchers.

██████████ Chief Financial Officer, Mide Technology Corporation, notes that she and the petitioner "attended the Lemberg Program at Brandeis University." ██████████ discusses the petitioner's work as an Emerging Markets Fixed Income Analyst for Axon Securities, but she does not explain how duties such as creating credit quality models, issuing buy or sell recommendations, and preparing asset allocation analyses represent a major contribution in the financial services industry.

As of the date of her letter, ██████████ as pursuing "an MBA degree in International Luxury Brand Management at Essec Business School in Paris, France." ██████████ like the petitioner, is a former graduate of Brandeis University. ██████████ scribes the petitioner's activities while she was employed at Paribas Capital Markets and as a consultant for Crane Paper Company, but there is no evidence showing that petitioner's work for these companies had a measurable impact on her industry.

We accept that the petitioner possesses unique skills and knowledge pertaining to investment research, emerging markets, financial analysis, and banking sectors in Latin America and South America. However, the letters of support do not adequately address specific "contributions of major significance" to the financial services industry directly attributable to the petitioner. While the petitioner has certainly enjoyed success as an international investment researcher, being an effective equity research analyst does not constitute an original contribution of *major* significance in investment research. The letters of support indicate that the petitioner has performed admirably for her employers and their clients, but her ability to significantly impact the financial industry in general has not been adequately demonstrated.

We cannot ignore that all but one of the letters of support are from individuals who are directly affiliated with institutions where the petitioner has studied and worked. With regard to the personal recommendation of individuals with ties to the petitioner, the source of the recommendations is a highly relevant consideration. Such letters are not first-hand evidence that the petitioner has earned sustained acclaim for her contributions

beyond her employers and educational institutions. If the petitioner's reputation is primarily limited to those with whom she has studied or worked, then she has not achieved national or international acclaim regardless of the expertise of her witnesses. In conclusion, we find that the documentation presented in regard to this criterion is not adequate to support a finding that the petitioner's work as an investment researcher is nationally or internationally acclaimed throughout the financial services industry as a major contribution.

*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 copy of her "Honors Thesis" from Lafayette College and a few internal research reports she prepared while working for Axon Securities Group. The petitioner's internal research reports for Axon Securities Group were marked "For Internal Use Only." Counsel fails to explain how the petitioner was purportedly able to achieve sustained national or international acclaim if her work at Axon Securities Group consisted of producing closely guarded financial reports. The plain wording of this regulation requires the petitioner's work to appear "in professional or major trade publications or other major media." The petitioner's evidence does not meet this requirement. There is no evidence showing that the preceding documents were published in major media or that any of them were widely viewed throughout the petitioner's field as significantly influential.

*Evidence of the display of the alien's work in the field at artistic exhibitions or showcases.*

The letter from [REDACTED] states: "[The petitioner] presented and led a discussion on the dividend discount model (in-house valuation model) for portfolio managers in the Mexican subsidiary of Citigroup . . . ." The AAO has consistently found, however, that this particular criterion applies to the visual arts, such as sculpting and painting, rather than business or scientific research. In the fields of science and business, national or international acclaim is generally not established by the mere act of presenting one's work to other employees at one's company. The evidence presented here is not adequate to demonstrate that financial presentations such as the petitioner's are unusual for an investment researcher.

The petitioner also submitted a document entitled "Happening NOW at Lafayette" which states: "[The petitioner] will present a paper on her research at the 10<sup>th</sup> Annual National Conference on Undergraduate Research next month. . . . [The petitioner] is among 40 Lafayette students invited to participate in the prestigious research conference, to be held April 18-20 at the University of North Carolina at Asheville." We cannot ignore that participation in this conference was limited to "students" rather than established financial professionals.

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

Various witnesses assert that the petitioner has performed in a leading or critical role for CAM, Axon Securities Group, Paribas Capital Markets, and Crane Paper Company. We cannot ignore, however, that the petitioner has served in subordinate roles to the executives of these companies. For example, the petitioner worked as an Equity Research Associate at CAM while [REDACTED] served as a Vice President and while [REDACTED] served as Vice President/Senior Portfolio Manager. There is no indication that the petitioner has

served in an executive or managerial capacity for her employers in the same manner as the preceding individuals. Nor is any indication of the extent to which the petitioner has exercised substantial control over organizational or high-level managerial decisions executed on behalf of her employers. In regard to the petitioner's fulfillment of a critical role, there is no quantitative evidence showing that the petitioner has overseen a higher percentage of market capitalization than that of the numerous other investment researchers employed by the companies for which she has worked. Nor is there any comparative data indicating that the petitioner's research recommendations are consistently more profitable than that of the other investment researchers from her companies who handled different global regions. Without quantitative evidence showing the petitioner's substantial impact on her employers' overall investment strategies, we cannot conclude that she meets this criterion.

We find that the petitioner's evidence is not adequate to demonstrate that she has performed in a leading or critical role for a distinguished organization, or that her involvement has earned her sustained national or international acclaim.

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

On appeal, counsel states: "Since the submission of the petition, the alien has received a promotion and a raise. . . . [H]er total compensation for 2004 will be approximately \$135,000." A petitioner, however, must establish eligibility at the time of filing. *See Matter of Katigbak*, 14 I&N Dec. 45 (Comm. 1971). Subsequent developments in the petitioner's career cannot retroactively establish that she was already eligible for the classification sought as of the filing date. Furthermore, counsel's statement regarding the petitioner's compensation is unsupported by objective documentation (such as payroll records or income tax forms). The unsupported assertions of counsel do not constitute evidence. *See Matter of Obaighena* at 533, 534; *Matter of Laureano* at 1; and *Matter of Ramirez-Sanchez* at 503, 506. Finally, there is no comparative evidence showing that the petitioner's compensation is significantly higher than that of most others in the investment research field at the national or international level.

Counsel takes issue with the following statement from page 2 of the director's decision: "Merely meeting three of the ten categories of evidence suggested by the regulation does not automatically establish the beneficiary's eligibility for the classification of "Alien of Extraordinary Ability."

While we may not agree with the exact wording of the above statement, we do not read the director's decision as concluding that the petitioner was eligible under the regulations but that the petition was not approvable. It is important to note that the controlling purpose of the regulation at 8 C.F.R. § 204.5(h)(3) is to establish sustained national or international acclaim, and any evidence submitted to meet the regulatory criteria must therefore be to some extent indicative of such acclaim. A more rational interpretation of the director's decision is that the petitioner submitted documentation which related to or addressed three criteria, but that the evidence itself did not demonstrate national or international acclaim. A petitioner cannot establish eligibility for this classification merely by submitting evidence that simply relates to at least three criteria. In determining whether the petitioner meets a specific criterion, the evidence itself must be evaluated in terms of whether it establishes that the petitioner has sustained national or international acclaim; it is not simply a matter of accepting that any piece of evidence presented under a particular criterion automatically satisfies

that criterion. By way of analogy, Citizenship and Immigration Services (CIS) sometimes requires copies of income tax returns to establish that the petitioner has the ability to pay the proffered wage to the beneficiary. The petitioner, however, does not automatically meet this requirement by submitting a copy of an income tax return. Rather, we must consider the content of that income tax return; if it does not show that the petitioner can afford to pay the beneficiary, then the petitioner cannot credibly argue that it met its obligation merely by supplying the copy of the tax return. The same reasoning applies to evidence presented under the criteria at 8 C.F.R. § 204.5(h)(3).

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the alien has achieved sustained national or international acclaim, is one of the small percentage who has risen to the very top of the field of endeavor, and that the alien's entry into the United States will substantially benefit prospectively the United States. The petitioner in this case has failed to demonstrate that she meets at least three of the criteria that must be satisfied to establish the sustained national or international acclaim necessary to qualify as an alien of extraordinary ability.

Review of the record does not establish that the petitioner has distinguished herself to such an extent that she may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of her field. The evidence is not persuasive that the petitioner's achievements set her significantly above almost all others in her 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.