

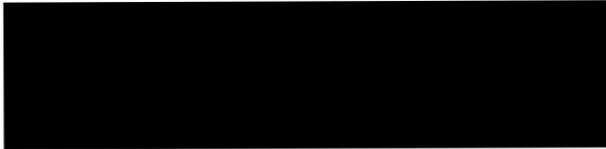


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FILE: EAC 06 021 51604 Office: NEBRASKA SERVICE CENTER Date: JUN 19 2008

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, Chief
Administrative Appeals Office

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

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability in the sciences. The director determined that the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, counsel argues that the petitioner is “one of the top research scientists in the world in the field of osteoblast development.”

Section 203(b) of the Act states, in pertinent part, that:

(1) Priority workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):

(A) Aliens with extraordinary ability. -- An alien is described in this subparagraph if --

(i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,

(ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

(iii) the alien’s entry into the United States will substantially benefit prospectively the United States.

Citizenship and Immigration Services (CIS) and the 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 she has sustained national or international acclaim at the very top level.

This petition, filed on October 25, 2005, seeks to classify the petitioner as an alien with extraordinary ability as a research scientist. The petitioner earned her Master of Science degree in Oral Medicine from Wuhan University in China in 1997. At the time of filing, the petitioner was working as a graduate assistant and pursuing a Ph.D. in Biomedical Science (Skeletal, Craniofacial, and Oral concentration) at the University of Connecticut Health Center. On August 24, 2006, the petitioner received her Ph.D. In 2007, the petitioner

was appointed as an Assistant Professor, non-tenure track, in the Department of Diagnostics at the University of Texas Dental Branch at Houston. With regard to conferral of the petitioner's Ph.D. in 2006 and her assistant professor appointment in 2007, these developments in her career occurred subsequent to the petition's filing date. The petitioner, however, must establish her eligibility at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg. Commr. 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. Accordingly, the AAO will not consider the petitioner's Ph.D. and her assistant professorship in this proceeding.

The regulation at 8 C.F.R. § 204.5(h)(3) indicates that an alien can establish sustained national or international acclaim through evidence of a one-time achievement (that is, a major, internationally recognized award). Barring the alien's receipt of such an award, the regulation outlines ten criteria, at least three of which must be satisfied for an alien to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability. A petitioner, however, cannot establish eligibility for this classification merely by submitting evidence that simply relates to at least three criteria at 8 C.F.R. § 204.5(h)(3). In determining whether the petitioner meets a specific criterion, the evidence itself must be evaluated in terms of whether it is indicative of or consistent with sustained national or international acclaim. A lower evidentiary standard would not be consistent with the regulatory definition of "extraordinary ability" as "a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The petitioner has submitted evidence pertaining to the following criteria.

Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

The petitioner submitted a September 22, 2005 electronic mail message from an organizer of the 2nd International Conference on Osteoporosis and Bone Research, Chengdu China, stating that her abstract was "accepted by the Conference and chosen as one of the 15 Best Poster Award nominees." The record, however, does not include evidence showing that a Best Poster Award was ultimately bestowed upon the petitioner at this conference. The plain language of this regulatory criterion requires evidence of the petitioner's receipt of nationally or internationally recognized "prizes or awards" for excellence in the field rather than mere nominations.

The petitioner submitted four blue ribbons from the 25th, 26th, and 27th American Society for Bone and Mineral Research (ASBMR) Annual Meetings reflecting that abstracts she coauthored with her research superiors at the University of Connecticut Health Center were selected for "plenary poster presentation." The petitioner also submitted memorandums dated July 25, 2005 and July 20, 2004 congratulating her on these abstracts having been selected for plenary presentation at the 26th and 27th Annual Meetings. These memorandums state: "Your poster has been assigned program #F194 during the Welcome Reception/Plenary Poster Session. You are expected to be at your poster for the entire Plenary Poster Session" The record does not establish that invitations to present one's work at ASBMR meetings constitute nationally or internationally recognized prizes or awards for excellence in the field or that such invitations demonstrate sustained national or international acclaim at the very top of the field.

In response to the director's request for evidence regarding the significance, scope, and selection criteria for ASBMR plenary poster presentation, the petitioner submitted a November 13, 2006 letter from [REDACTED], Professor, Department of Medicine, and Director of the M.D./Ph.D. Program at the University of Connecticut Health Center, stating:

I am the President-Elect of the American Society for Bone and Mineral Research (ASBMR).

* * *

The extreme significance and profound impact of [the petitioner's] work in the bone field has been evidenced by the recognition of ASBMR and her peers. She has been granted four times a "Plenary Poster Award" in the 25th, 26th, and 27th annual meetings Due to the very stringent peer review system, only the most significant studies will be awarded these honors.

Dr. Kream's letter does not address the specific criteria for selection as requested by the director, nor is there evidence showing that selection for a plenary poster presentation commands significant recognition beyond the context of the ASBMR session in which the work was presented. Further, according to the ASBMR Annual Meeting programs submitted by the petitioner, multiple abstracts were selected for plenary presentation in the same manner as those of the petitioner. Thus, the petitioner's evidence does not establish that having one's abstract selected for plenary presentation at ASBMR Annual Meetings is tantamount to her receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field.¹

In an October 24, 2005 letter accompanying the petition, counsel states that the petitioner received an "Advanced employee" award from the Second Hospital Affiliated to Wuhan University. Counsel also claims that the petitioner received an "Excellent student scholarship" (four years) and an "Excellent intern" award from the Xian Jiaotong University School of Dentistry. The record, however, does not include evidence of these awards. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaighena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1, 3 n.2 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). Nevertheless, there is no evidence that these institutional awards constitute nationally or internationally recognized prizes or awards for excellence in the field.

In light of the above, the petitioner has not established that she 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.

¹ The official internet site of the ASBMR summarizes its "Awards Program," but the Society's "Plenary Poster Award" is not mentioned. See "Summary of ASBMR Awards Program" at <http://www.asbmr.org/awards/index.cfm>, accessed on June 16, 2008.

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. Further, 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 a credential from the ASBMR's 27th Annual Meeting identifying her as a "RESIDENT, STUDENT, FELLOW – MEMBER." The petitioner also submitted her membership certificate for the International Chinese Hard Tissue Society. The record, however, does not include evidence (such as membership bylaws or official admission requirements) showing that these societies require outstanding achievements of their members, as judged by recognized national or international experts in the petitioner's field or an allied one. Thus, the petitioner has not established that she meets this criterion.

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

The petitioner submitted several recommendation letters in support of the petition.

Dr. Distinguished Professor, Department of Medicine, University of Connecticut Health Center, states:

I am very familiar with [the petitioner's] work since I met her in August, 2001 when she began working in Dr. [REDACTED]'s lab in the Department of Orthopaedics at University of Connecticut Health Center

* * *

Apoptosis is a process that used to be regarded as impedimental to bone formation because it was believed to exhaust bone-forming cells. [The petitioner] discovered that apoptosis was a natural drag[g]ing force facilitating the function and renewal of osteoblast pool, and inhibition of apoptosis leaded [sic] to accumulation of old or dysfunctional cells and diminished bone formation. This fundamental finding resulted in a new perspective view of the cellular/pathological mechanisms of bone metabolism and its related diseases. In recognition of her significant and breakthrough work, her paper was published in the newest issue of *JBMR*, the No.1 bone journal of the world, with her exciting new findings highlighted on the cover.

* * *

As an expert in apoptosis research, [the petitioner] discovered novel function of Bcl-2 gene, a key regulator of apoptosis. Its differential effects on male and female mice causing loss of sex-related bone difference observed in wild type animals, indicated for the first time that Bcl-2 was cross-linked with the sex hormone regulation of bone formation, which greatly improved our understanding of the complex function of this gene. Her new findings of anti aging and glucocorticoid-induced bone loss by Bcl-2 overexpression were even more fascinating, because they can be directly applied to develop

effective clinical treatment for osteoporosis. . . . Bone-target delivery of Bcl-2 gene, in a temporally manipulated manner, is a creative and reliable way to treat osteoporosis with huge potential for success. [The petitioner's] research is moving this possibility forward.

Dr. Professor and Director of Orthopaedic Research, Department of Orthopaedics, University of Connecticut Health Center, states:

[The petitioner] helped develop and characterize a Col2.3Bcl-2 transgenic mouse with human Bcl-2 gene specifically expressed in mouse osteoblasts. . . . Her work not only changes our stereotypical view of apoptosis and bone formation, but also suggests a novel mechanism to treat osteoporosis.

[The petitioner] was the first person in the world who found that physiological apoptosis of osteoblasts is actually essential for normal bone formation, because decreasing osteoblast apoptosis by Bcl-2 overexpression severely impaired mineral deposition. This finding is completely opposite to the original view of the whole bone community concerning apoptosis and bone growth, the common belief being that apoptosis had adverse effects on bone formation by killing the cells actively involved in bone production. [The petitioner's] conclusions were based upon solid data which showed that mineral apposition was significantly reduced in transgenic animals resulting in much smaller size, thinner calvaria and lower bone mineral density compared with the wild type littermates. . . . This novel finding has already facilitated tremendously our understanding of the dynamic metabolism and homeostasis of bone.

In addition, [the petitioner] found that Bcl-2 overexpression had differential effects based on gender. The most prominent effect was to increase osteoblasts in males but decrease bone apposition in females. The sexually differential effect and regulation of Bcl-2 expression by estrogen in osteoblasts, as shown by [the petitioner's] . . . work, clearly demonstrated that Bcl-2 was involved in the sex regulation of the skeleton, besides to its well-known anti-apoptotic function. This was the first report that Bcl-2 could interact with endocrine – sex hormone system to regulate the development of skeleton, which greatly broadened our knowledge base and advanced the frontiers of our understanding about bone biology. These findings have profound practical implications for medical science as well, as in the treatment of sex-related bone diseases.

What's more, [the petitioner] found that transgenic mice exhibited anti-aging bone phenotypes, because their bone loss with age was significantly decreased relative to wild type animals. . . . [The petitioner's] novel finding has established the first anti-senile osteopenic animal model, which certainly will promote the understanding of the pathogenesis and development of effective strategies against it.

While the petitioner's Ph.D. 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 existing pool of knowledge. It does not follow that every researcher who performs original research that adds to the general pool of knowledge has inherently made a contribution of major significance in the field. According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), an alien's

contributions must be not only original but of major significance. We must presume that the phrase “major significance” is not superfluous and, thus, that it has some meaning. While the petitioner’s superiors discuss the value of her work, there is no evidence that it constitutes original contributions of major significance in her field consistent with sustained national or international acclaim. For example, there is no corroborating evidence showing that the published research resulting from the petitioner’s work at the University of Connecticut Health Center was frequently cited by independent researchers.

Dr. [REDACTED], Dean of the School of Dentistry at the University of California, San Francisco, states:

I do not know [the petitioner] personally but I am familiar with the research work of her laboratory and particularly her research efforts. [The petitioner] is now pursuing her research in Dr. [REDACTED]’s lab at the University of Connecticut Health Center, a lab of world-wide renown for its apoptosis in bone research. I know Dr. [REDACTED] personally and can attest to the importance and significance of the work in her laboratory.

* * *

Among [the petitioner’s] many research achievements, I am particularly impressed by her study on the aging mechanism of skeletons. . . . Exploration of the aging mechanism of skeleton will definitely benefit clinical dentistry. [The petitioner] created a Col2.3Bcl-2 transgenic mouse, which is the first animal model in the world showing the anti-aging bone phenotype. She found that prevention of osteoblast apoptosis may slow down the exhaustion of osteoprogenitors so as to generate a skeleton with almost no bone loss with age. [The petitioner’s] discovery has brought about a new concept of bone metabolism and pointed towards a new direction in the field of bone aging research and thus far has been quite impressive.

Dr. [REDACTED], Professor, Department of Molecular Pharmacology, Medical Research Institute, Tokyo Medical and Dental University, states:

[The petitioner], with the help of her colleagues, overcame countless technical obstacles and underwent numerous failures, but has made tremendous progress with her research that has made many highly significant and exciting new discoveries. She has found that the physiological level of osteoblast apoptosis is necessary to facilitate the self-renewal and mineral apposition of healthy, functional osteoblasts, while prevention of it will accumulate old or hypofunctional cells leading to decreased bone formation. Instead of being deleterious to bone formation as most of people had thought, apoptosis actually plays a positive role in bone formation. This breakthrough has had significant impact on the bone field, and further emphasizes the extreme delicacy of the natural regulatory process of osteoblast life and death in bone.

Dr. [REDACTED], Professor and Chair, Department of Biomedical Engineering, Tufts University, states:

[The petitioner] analyzed the effect of Bcl-2 overexpression on all aspects of osteoblast activity, including adhesion, proliferation, differentiation, mineralization and apoptosis, and found that overexpression of Bcl-2 prevented the apoptosis of osteoblasts, had no effect on their proliferation,

facilitated their differentiation, and most importantly, promoted their adhesion through elevated integrin expression whereas it simultaneously impaired the mineralization of osteoblasts. This was the first study conducted by any scientist showing the regulation of integrin expression by Bcl-2, and the essential role of osteoblast apoptosis in normal bone formation, which greatly widened our understanding of the basic biology of bone cells and revised our perspective view of apoptosis in bone.

[The petitioner's] work has enormous clinical implications as well. Her results demonstrated conclusively for the first time that osteoblast-targeted Bcl-2 overexpression prevented aging and glucocorticoid-induced bone loss, which promises to point the medical field toward a new treatment of osteoporosis. Her finding that abrogation of sex related skeletal differences in the Col2.3Bcl-2 mouse made it an invaluable model to study the sex-regulation of skeletal configurations.

* * *

[The petitioner] has papers published in the top bone journals in the world, including *Journal of Bone and Mineral Research (JBMR)* and *Bone*. Her stunning new findings were even presented on the cover of *JBMR*, which is truly a reflection of her pioneering role in this field.

The petitioner's published papers 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 articles authored by the petitioner under the next criterion.

Dr. [REDACTED], Starr Chair of Mineralized Tissues Research and Director of Mineralized Tissue Laboratory, Hospital for Special Surgery, New York, states:

[The petitioner's] conclusion that physiological apoptosis is essential for normal bone formation radically changes our way of looking at apoptosis in bone and influences the way we conduct and interpret our studies. Her finding of prevention of aging and glucocorticoid induced bone loss in the transgenic model makes it an indispensable tool for the whole bone society to elucidate the fundamental mechanisms of these biological processes and develop better therapeutic strategies against osteoporosis and other bone diseases.

* * *

[The petitioner's] novel finding of abrogation of sex-related bone difference by osteoblast-targeted Bcl-2 overexpression and regulation of Bcl-2 expression by estrogen reveals for the time that Bcl-2 is involved in the sex-regulation of bone configuration. It opens a new path in the research of sex and bone, with great clinical potential as well.

* * *

[The petitioner] is currently working on the effect of bone-targeted Bcl-2 overexpression on ovariectomy-induced bone loss. Estrogen deficiency due to post menopause is the top leading cause of osteoporosis. [The petitioner's] preliminary result showing protection of ovariectomy-induced bone loss by Bcl-2 overexpression in osteoblasts certainly promises a new direction in treating this disease.

We note Dr. [REDACTED]'s statements that the petitioner's work has "great clinical potential" and "promises a new direction" in treating osteoporosis. In the same manner as Dr. [REDACTED], Dr. [REDACTED] asserts that the petitioner's "discoveries have major potential impact on the health and well-being of significant numbers of the U.S. population." With regard to the witnesses of record, many of them they discuss what may, might, or could one day result from the petitioner's work, rather than how her past research already qualifies as a contribution of major significance in the field. A petitioner, however, must establish eligibility at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. at 45, 49. A petitioner cannot file a petition under this classification based on the expectation of future eligibility. *Id.*

Dr. [REDACTED] Professor of Medical Genetics and Microbiology, University of Toronto, states:

By establishing and thoroughly characterizing Col2.3Bcl-2 transgenic mice, [the petitioner] has made several scientific breakthroughs. Her conclusion that physiological apoptosis is essential for normal bone formation is surprising, and is influencing radically the way other researchers view apoptosis. Her finding that abrogation of sex-related bone differences and age-related bone loss by osteoblast-targeted Bcl-2 overexpression elucidates further the mechanism of gender and age regulation of bone development. This has enormous clinical potential to prevent aging-induced osteoporosis. [The petitioner's] ongoing work shows that prevention of glucocorticoid-induced bone loss in the animal model makes it a valuable tool to explore new possibilities to fight against osteopenia due to chronic glucocorticoid administration.

Dr. [REDACTED] Assistant Professor, Department of Biomedical Engineering, Columbia University, states:

Much of [the petitioner's] research has been focused on investigating the role of apoptosis in bone formation. In order to better study this process, [the petitioner] generated and characterized a Col2.3Bcl-2 transgenic mouse, which expressed human Bcl-2 gene only in mouse osteoblasts. The development of this transgenic mouse itself is virtually unique in the world. [The petitioner] made many novel findings based on this model, which greatly advanced our understanding of bone biology and facilitated tremendously the development of better therapeutics for bone diseases.

Dr. [REDACTED] Senior Research Scientist, Aastron Biosciences, Inc., states:

[The petitioner's] work is enormously valuable because it directly points to an understanding of apoptosis in bone, a process closely related to and possibly an important contributor to bone loss in osteoporosis. [The petitioner's] breakthrough work for the first time showed the critical role of apoptosis in bone formation, promoting mineral apposition at the physiological level whereas

diminishing bone formation at the pathological level. [The petitioner's] novel finding has opened a new avenue in bone biology research.

Dr. Senior Staff Scientist, The Jackson Laboratory, states: “[The petitioner’s] work has already resulted in many significant breakthroughs in the bone field. She is also the first who revealed the involvement of Bcl-2 in the aging and sex-regulation of bone development, and demonstrated the anti-bone loss effect of Bcl-2 overexpression when excessive apoptosis occurs.”

The preceding letters of support indicate that the petitioner has performed important bone research while pursuing her Ph.D. under the direction of Dr. [REDACTED]. The record, however, lacks corroborating evidence (such as an extensive citation history) showing that the research findings specifically attributable to the petitioner have been unusually influential, highly acclaimed throughout her field, or have otherwise risen to the level of original contributions of major significance.

In this case, the letters of support are not sufficient to meet this criterion. The opinions of experts in the field, while not without weight, cannot form the cornerstone of a successful extraordinary ability claim. CIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Commr. 1988). However, CIS is ultimately responsible for making the final determination regarding an alien’s eligibility for the benefit sought. *Id.* The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; CIS may evaluate the content of those letters as to whether they support the alien’s eligibility. *See id.* at 795-796. Thus, the content of the experts’ statements and how they became aware of the petitioner’s reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence of original contributions of major significance that one would expect of a researcher who has earned sustained national or international acclaim. Without extensive documentation showing that the petitioner has made original contributions of major significance in the field, we cannot conclude that she meets this criterion.

Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.

The petitioner submitted evidence of her co-authorship of articles in publications such *Journal of Bone and Mineral Research* and *Bone*. In addressing the evidence for this regulatory criterion, the director’s decision stated: “[T]he record does not establish that the petitioner’s works have been relied upon or cited to the extent that the impact of the articles is commensurate with a finding that the petitioner has achieved sustained national or international acclaim in the field.” We concur with the director’s findings for this criterion and note that authoring scholarly articles is inherent to the research field.² For this reason, we will evaluate a

² The Association of American Universities’ Committee on Postdoctoral Education, on page 5 of its Report and Recommendations, March 31, 1998, set forth its recommended definition of a postdoctoral appointment. Among the factors included in this definition were the acknowledgement that “the appointee has the freedom, and is expected, to publish the results of his or her research or scholarship during the period of the appointment.” Thus, this national organization considers publication of one’s work to be “expected,” even among researchers who have not yet begun “a

citation history or other evidence of the impact of the petitioner's articles when determining their significance to the field. For example, numerous independent citations would provide solid evidence that other researchers have been influenced by the petitioner's work and are familiar with it. On the other hand, few or no citations of an alien's work may indicate that her work has gone largely unnoticed by her field. In this case, there is no evidence showing that the petitioner's articles were frequently cited in a manner consistent with sustained national or international acclaim. As such, the petitioner has not established that she 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 her role within the entire organization or establishment and the reputation of the organization or establishment.

The record adequately demonstrates that the University of Connecticut Health Center is an institution with a distinguished reputation. The record, does not, however, include evidence showing that the petitioner's role as a graduate assistant was leading or critical for the institution. There is no evidence demonstrating how the petitioner's role differentiated her from other researchers at the University of Connecticut Health Center, let alone its more senior faculty (including tenured professors).³ The documentation submitted by the petitioner does not establish that she was responsible for the University of Connecticut Health Center's success or standing to a degree consistent with the meaning of "leading or critical role" and indicative of sustained national or international acclaim. As such, the petitioner has not established that she meets this criterion.

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

Review of the record does not establish that the petitioner has distinguished 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)(i) of the Act and the petition may not be approved.

The burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.

full-time academic and/or research career." This report reinforces CIS's conclusion that publication of scholarly articles is not presumptive evidence of sustained national or international acclaim.

³ A comparison of the petitioner's position with that of her superiors at the University of Connecticut Health Center (such as Professors Raisz, Gronowicz, and Kream) indicates that the very top of her field is a level above her present level of achievement.