



U.S. Citizenship  
and Immigration  
Services

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FILE:

WAC 03 244 52162

Office: CALIFORNIA SERVICE CENTER

Date: SEP 26 2008

IN RE:

Petitioner:

Beneficiary:



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

ON BEHALF OF PETITIONER:

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.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, California Service Center. The petitioner filed an appeal with the Administrative Appeals Office (AAO), which remanded the matter to the director for further action and consideration. The director again denied the petition and the matter is now before the AAO on certification. The director's decision will be affirmed.

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.<sup>1</sup> The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On certification, the petitioner argues that he meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

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

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

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

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

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

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

Citizenship and Immigration Services (CIS) and legacy Immigration and Naturalization Service (INS) have consistently recognized that Congress intended to set a very high standard for individuals seeking immigrant visas as aliens of extraordinary ability. *See* 56 Fed. Reg. 60897, 60898-99 (Nov. 29, 1991). As used in this section, the term "extraordinary ability" means a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2). The specific requirements for supporting documents to establish that an alien has sustained national or international acclaim and recognition in his or her field of expertise are set forth in the regulation at 8 C.F.R. § 204.5(h)(3). The relevant criteria will be addressed below. It should be reiterated, however, that the petitioner must show that he has sustained national or international acclaim at the very top level.

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<sup>1</sup> The petitioner was initially represented by attorney [REDACTED]. On June 13, 2007, [REDACTED] resigned from the State Bar of California with charges pending and is now prohibited from practicing law in California. Accordingly, the petitioner shall be considered unrepresented. *See* 8 C.F.R. § 103.2(a)(3).

This petition, filed on August 26, 2003, seeks to classify the petitioner as an alien with extraordinary ability as an architectural engineer and calligrapher. 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 the following:

1. A certificate dated October 30, 2000 stating: "This certificate is issued to encourage the person whose remarkable success in the course of construction of material and humanity civilization in China has been recorded in the Series of *Chinses* [sic] *Contemporary Enterprising Elites* published by China Esperanto publishing House."
2. A certificate dated January 1, 2000 stating: "Mr/Ms [the petitioner]: You are admitted to the project of the 21<sup>st</sup> Century Talent's Bank."
3. An undated Honor Certificate stating: "[The petitioner]: THIS IS CERTIFY [sic] THAT CONFORMS TO THE SEL ECTING [sic] CONDITION OF 'THE BEST CHOICE OF CHINESE EXCELLENTLY EXPERTISE'"
4. An Award Certificate stating that the petitioner received the "Best Award in the Civil Cup National Pen & Ballpoint Pen Writing Contest of 1987."
5. "Certificate of Award" issued by the "Nanjing City Fundamental Development Committee" stating that the petitioner obtained "1<sup>st</sup> Place in Wall Building" at the "1979 Annual Performing Techniques Competition" in the "Nanjing Area."
6. A certificate dated June 1984 stating that the petitioner was honored as "Nanjing best constructor" in the Nanjing Top Engineering Contest of 1983.

Pursuant to 8 C.F.R. § 103.2(b)(3), any document containing foreign language submitted to CIS shall be accompanied by a full English language translation that the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. The English language translations of the preceding award certificates were not certified by the translator as required by the regulation at 8 C.F.R. § 103.2(b)(3).<sup>2</sup> Further, items 5 and 6 above reflect local

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<sup>2</sup> In the AAO's August 4, 2005 decision and the director's October 22, 2007 notice of certification, the petitioner was specifically informed that the English language translations he previously submitted were deficient. Attached to the

recognition rather than national or international recognition. With regard to items 1 through 6 above, the petitioner has not submitted evidence demonstrating the significance of his awards. 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, the petitioner has not submitted evidence showing that his awards commanded national or international recognition beyond the presenting organizations consistent with sustained national or international acclaim. For example, there is supporting evidence showing that the recipients of the preceding honors were announced in major media or in some other manner consistent with national or international acclaim.

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

*Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.*

In order to demonstrate that membership in an association meets this criterion, the petitioner must show that the association requires outstanding achievement as an essential condition for admission to membership. Membership requirements based on employment or activity in a given field, minimum education or experience, standardized test scores, grade point average, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion as such requirements do not constitute outstanding achievements. 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's initial documentation addressing this criterion indicated that he served as a technical staff member of the Chinese Embassy in Uganda in 1992, was appointed a research fellow by the China Enterprise Culture Improvement Association Education Committee in 2003, was certified as an engineer by the Nanjing Construction Project Technical Occupation Appraisal Committee in 1994, and became a member of the Natural Science Professional Department of the Nanjing Science Association in 1988.

On certification, the petitioner submits documents indicating that he was admitted to membership in the World Peace Alliance Foundation in June 2004 and the China Beijing Modern Collection Book Painting and Calligraphy Arts Research Institute in May 2004. The petitioner was admitted to these organizations subsequent to the petition's filing date. A petitioner must establish eligibility at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971). Accordingly, the AAO will not consider this evidence in this proceeding.

The petitioner also submits what is alleged to be a membership credential allegedly issued to him by the China Painting and Calligraphy Arts Committee on August 20, 2003. The uncertified English language

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petitioner's November 11, 2007 letter responding to the director's notice of certification was a document signed by [REDACTED] stating that she "translated all [the petitioner's] documents from Chinese . . . to English with . . . professional translation knowledge." With regard to the English language translations submitted by the petitioner on certification, this document signed by [REDACTED] does not meet the requirements of 8 C.F.R. § 103.2(b)(3).

translation of this document identifies the petitioner's sex as "Female." Further, the petitioner's November 11, 2007 letter states that the "China Painting and Calligraphy Arts Committee was established in June 2005." This statement is not consistent with the date of issuance (August 20, 2003) of his membership credential. 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.

With regard to the organizations in which the petitioner claims membership, there is no evidence (such as membership bylaws or official admission requirements) showing that they require outstanding achievements of their members, as judged by recognized national or international experts in the petitioner's field or an allied one. Further, the English language translations of the preceding membership documents were not certified by the translator as required by the regulation at 8 C.F.R. § 103.2(b)(3).

In light of the above, 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.<sup>3</sup>

On certification, the petitioner submits a letter stating that he was selected for inclusion in *World Chinese Prominent Contribution Experts Name Dictionary*, a certificate stating that his work was recorded in the Series of *Chinses* [sic] *Contemporary Enterprising Elites*, a certificate stating that he was admitted to the project of the *21<sup>st</sup> Century Talent's Bank*, and a notice reflecting that his biography was selected for inclusion in *Chinese Han Mo Arts Treasure House*. The petitioner also submits three notices informing him of his selection for inclusion in *Modern Outstanding Chinese*, *Chinese Celebrities*, and *Divine Land Figure*. These three notices conclude by requesting that the petitioner reply to the publishers' editorial offices after reviewing his entry. None of the English language translations of the preceding documents were certified by the translator as required by the regulation at 8 C.F.R. § 103.2(b)(3). Further, there is no evidence showing the actual published material about the petitioner and its date of publication. Nor is there evidence (such as circulation statistics) showing that the preceding books qualify as professional or major trade publications or some other form of major media. Finally, we cannot conclude that the petitioner's limited biographic entry into a

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<sup>3</sup> Even with nationally-circulated newspapers, consideration must be given to the placement of the article. For example, an article that appears in the *Washington Post*, but in a section that is distributed only in Fairfax County, Virginia, for instance, cannot serve to spread an individual's reputation outside of that county.

sizable tome would constitute qualifying published material about him and his work. Appearing as one of hundreds or thousands of successful individuals in a frequently published biographical directory is not evidence of sustained national or international acclaim.

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

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

The 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 4, 2004 letter from the [REDACTED] Culture Research Institute stating that he was an appraiser of “outstanding ecology architecture, green building, and Fengshui works in 2001.” The English language translation of this document was not certified by the translator as required by the regulation at 8 C.F.R. § 103.2(b)(3). Further, there is no evidence showing the level of acclaim associated with serving as an appraiser or the means by which the petitioner was selected to participate. Nor is there evidence showing the specific work judged by the petitioner, the names of those he evaluated, or documentation of his assessments. Without substantive evidence showing that the petitioner judged other professionals in his field in a manner consistent with sustained national or international acclaim at the very top of the field, we cannot conclude he 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 a letter from [REDACTED] an architect who describes the petitioner as his “colleague and student,” stating:

[The petitioner’s] projects are highly recognized and appreciated by both domestic and foreign specialists in the field. [The petitioner] combined his creative inventions with classic Chinese architecture and construction projects. In the year 1997, 1998 and 1999, [the petitioner] presented his talents by creating one invention each year. All of the 3 inventions are already patented waiting to be promoted to the market.

The petitioner submitted copies of three patent certificates issued to him by the National Property Rights Office of the People’s Republic of China. The patents were apparently issued for inventions related to architectural construction and engineering. Although directly relevant to this criterion, the patent certificates

were not submitted with certified English language translations as required by the regulation at 8 C.F.R. § 103.2(b)(3). We note that to establish eligibility under this category by virtue of patents, a petitioner must not only show that his work has been granted a patent, but that the patented invention constitutes a contribution of major significance in his field. We cannot ignore [REDACTED]'s statement that the petitioner's patents were "waiting to be promoted to the market." A petitioner cannot file a petition under this classification based on the expectation of future eligibility. *See Matter of Katigbak*, 14 I&N Dec. at 49. There is no evidence establishing that the petitioner's patents were contributions of major significance in his field.

On certification, the petitioner submits notices dated June 2004 and October 2003 informing him that his "Automobile Combination Moving Road Bridges" patent received a governmental grant and was selected by *Economy Daily* for conferences, exhibitions, and inclusion in an information bank. The petitioner also submits a December 2003 letter from America Well Industrial Holding Group Ltd. stating that its marketing department was considering his Painting and Plastering Edge Control Strip patent as an investment project. The English language translations of these notices were not certified by the translator as required by the regulation at 8 C.F.R. § 103.2(b)(3). Further, these notices were issued subsequent to the petition's filing date. As discussed previously, a petitioner must establish eligibility at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. at 49. Accordingly, the AAO will not consider this evidence in this proceeding. Even if we were to consider these notices, we cannot conclude that the petitioner's receipt of a governmental grant and the intent of the preceding organizations to promote his inventions demonstrate that his patents constitute scientific contributions of major significance in the field.

Aside from his three patents, the petitioner submitted evidence of his authorship several essays on the architecture and construction industry of Japan published in the Chinese trade journal *Builders Monthly*. Material written and published by the petitioner relates to the "authorship of scholarly articles" criterion at 8 C.F.R. § 204.5(h)(3)(vi). Here it should be emphasized that the regulatory criteria are separate and distinct from one another. Because separate criteria exist for authorship of scholarly articles and original contributions of major significance, CIS clearly does not view the two as being interchangeable. If evidence sufficient to meet one criterion mandated a finding that an alien met another criterion, the requirement that an alien meet at least three criteria would be meaningless. We will fully address the published work authored by the petitioner under the next criterion.

The petitioner submitted a June 18, 2005 "Advisory Opinion" from [REDACTED] Professor of Philosophy, American Purlinton University, Pomona, California, describing himself as a "recognized expert in the field" who is "well qualified to evaluate [the petitioner's] qualifications and contributions to Ecological Architectural Design and Structure." The record, however, includes no evidence showing that [REDACTED] is a recognized expert in the petitioner's field or an allied one.<sup>4</sup> Without evidence of [REDACTED] educational credentials, we cannot assign any weight to his letter.

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<sup>4</sup> There is no evidence showing that American Purlinton University offers a degree program in architecture that is recognized by California's Bureau of Private Post Secondary and Vocational Education.

The petitioner also submitted a letter of support from [REDACTED] of Sias International Group, Inc., but there is no evidence showing that [REDACTED] is an expert in the petitioner's field or an allied one. [REDACTED] states:

Because of his success and contribution in the field, [the petitioner] has been invited to Las Nevada [sic], New York, and Taxes [sic] to help with ecological architectural design and construction. Clearly, [the petitioner's] work is national in scope. Ecology is of great national concern; [the petitioner's] work will benefit the US nationally.

The record, however, includes no evidence showing that the petitioner's work in the architectural, ecological, or construction fields has already provided a significant national benefit. 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 preceding individuals' letters discuss their admiration of the petitioner and his work, there is no evidence demonstrating that his work has had major significance in the field. For example, the record does not indicate the extent of the petitioner's influence on other architectural engineers nationally or internationally, nor does it show that the field has somehow changed as a result of his work.

With regard to the petitioner's artistic contributions, a letter from [REDACTED] President of the Chinese Calligraphy and Painting Society of the United States of America, states: "In response to the need of Japanese learners, [the petitioner] created Hard Pen Hollow Calligraphy and was widely appreciated. . . . Since then, he has been working hard on the Hollow Calligraphy. However, due to the conservative environment in China, his Hollow Calligraphy has not been widely acknowledged." [REDACTED] states that the petitioner was widely appreciated, but there is no evidence showing that his calligraphy work was tantamount to original artistic contributions of major significance in the field.

In this case, the letters of recommendation submitted by the petitioner's professional contacts are not sufficient to meet this criterion. CIS 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, CIS 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 one's professional contacts 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. 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 an architectural engineer or artist who has sustained national or international acclaim. Without extensive documentation showing that the petitioner's work has been unusually influential, has attracted significant attention for its impact at the national or international level, or has otherwise risen to the level of original contributions of major significance in the field, 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 copies of several articles written by him and published between July 1989 and June 1990 in *Builders Monthly*. The petitioner also submitted an April 15, 1994 letter stating that he had been elected as a core writer for *Construction Techniques Magazine*, but there is no evidence of his authorship of scholarly articles for this publication. None of the English language translations accompanying the preceding documents were certified as required by the regulation at 8 C.F.R. § 103.2(b)(3). Further, there is no evidence (such as circulation statistics) showing that the preceding publications qualify as major trade publications. In this case, the petitioner has not submitted evidence establishing that his articles were frequently cited, and that they appeared in a major publication or were otherwise published and circulated in a manner consistent with sustained national or international acclaim. As such, the petitioner has not established that he meets this criterion.

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

The director's October 22, 2007 notice of certification stated: "The record indicates that the petitioner is a calligrapher and two of the recommendation letters credit him with creation of 'Hollow Calligraphy,' although the record contains no documentation of the petitioner's calligraphy." Nor is there evidence showing that the petitioner's calligraphy was displayed at artistic exhibitions or showcases in a manner consistent with sustained national or international acclaim at the very top of his field.

In February 2008, the petitioner submitted his "newest work of art" entitled "101 postures." This artwork was a paper-cut silhouette rather than calligraphy. Further, there is no evidence showing that this creation had been displayed at artistic exhibitions or showcases as of the petition's filing date. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. at 49. While the regulation at 8 C.F.R. § 103.3(a)(2)(vii) gives the AAO the discretion to allow the affected party additional time to submit an appellate brief under certain circumstances, there is no regulatory provision at 8 C.F.R. § 103.4 that permits additional time in which to submit supplemental evidence on certification. The 30-day period permitted under 8 C.F.R. § 103.4(a)(2) expired on November 21, 2007. Accordingly, the AAO will not consider the petitioner's February 2008 submission in this preceding.

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

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

In order to establish that he performed a leading or critical role for an organization or establishment with a distinguished reputation, the petitioner must establish the nature of his role within the entire organization or establishment and the reputation of the organization or establishment.

The April 18, 2003 letter from [REDACTED] states that the petitioner "was appointed as China Overseas Consulates Project Techniques Responsible Officer and Project Engineer," but the record contains no corroborative evidence of this appointment, the petitioner's role for the appointing office, or the reputation of that office. The petitioner also submitted a letter from the Jiangnan Culture Research Institute describing the petitioner as a professor of the

Institute, but the English language translation accompanying the letter was not certified as required by the regulation at 8 C.F.R. § 103.2(b)(3) and there is no independent evidence that the Institute has a distinguished reputation. The record also includes a certificate attesting to the petitioner's position and salary as "a chief engineer of Nanjing Jianjiu Science and Technology Co., Ltd.," but the record contains no evidence that he performs a leading or critical role for the company or that the company has a distinguished reputation. With regard to the positions held by the petitioner, there is no evidence demonstrating how his role differentiated him from others holding similar appointments, let alone more senior management and faculty in these organizations. The evidence is not adequate to demonstrate that the petitioner was responsible for his employers' success or standing to a degree consistent with the meaning of "leading or critical role" and indicative of sustained national or international acclaim.

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

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

The director's October 22, 2007 notice of certification stated:

The record contains a "Certificate of Salaries" certifying that [the petitioner] is a chief engineer of Nanjing Jianjiu Science and Technology Co. Ltd., and that his salary in 2003 is RMB 160,000.00. The petitioner must provide not only proof of his own compensation, but other evidence to allow a meaningful comparison between his compensation and that paid to others in his field. . . . In the absence of such evidence it cannot be established that the petitioner has satisfied this criterion.

We concur with the director's finding. The plain language of this regulatory criterion requires the petitioner to submit evidence showing that he has commanded a high salary "in relation to others in the field." The petitioner offers no basis for comparison showing that his compensation was significantly high in relation to others in his field. There is no indication that the petitioner has earned a level of compensation that places him among the highest paid architectural engineers in China, the United States, or any other country.

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

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

Review of the record does not establish that the petitioner has distinguished himself to such an extent that he may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of his field. The evidence is not persuasive that the petitioner's achievements set him significantly above almost all others in his field at a 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 director's decision of October 22, 2007 is affirmed. The petition is denied.