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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]
LIN 07 061 51620

Office: NEBRASKA SERVICE CENTER

Date: **APR 02 2009**

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:

INSTRUCTIONS:

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

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

 John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center. The director reopened the matter on the petitioner's motion filed concurrently with the instant appeal, and denied the petition again. The matter 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. More specifically, the director found that the petitioner had failed to demonstrate receipt of a major, internationally recognized award, or that she meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

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

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

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

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

- (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
- (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
- (iii) the alien's entry into the United States will substantially benefit prospectively the United States.

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

This petition, filed on December 22, 2006, seeks to classify the petitioner as an alien with extraordinary ability as biomedical researcher. The petitioner holds a Ph.D. in Biological Sciences from the National University of Rio Cuarto, Argentina (2005). At the time of filing, the petitioner was working as a Research Fellow in the Department of Medicine, Renal Unit, Massachusetts General Hospital and Harvard Medical School.

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.¹

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

The petitioner submitted an April 13, 2000 second place award from the Immunological Specialties Laboratory for the quality and presentation of her research at the "XV Latin American Congress on Microbiology and the XXXI National Congress of Microbiology." The record does not include specific information about this award from the presenting organization (such as the official selection criteria). The petitioner also submitted a September 18, 2006 letter from [REDACTED], Professor of Immunology, University of Rio Cuarto, Argentina, stating that the preceding award was "prestigious," but the letter provides no substantive information regarding the award or its national or international significance. 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 her burden to establish every element of this criterion. In this case, there is no evidence showing that the preceding second place award had a significant level of recognition beyond the presenting organization. For example, there is no evidence demonstrating that recipients of this award were announced in professional journals or in some other manner consistent with sustained national or international acclaim.

The petitioner submitted a participation certificate from the Japan International Cooperation Agency (JICA) stating that she "successfully completed the Group Training Course in *Introductory Gene Manipulation for Agriculture* at Department of Applied Biochemistry, College of Agriculture, Osaka Prefecture University from 18th August, 1997 to 27th November, 1997 organized by the Osaka

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

International Centre of the Japan International Cooperation Agency.” [Emphasis added.] The petitioner also submitted a September 18, 2006 letter from [REDACTED] Deputy Resident Representative, Argentine Office of the JICA, stating: “[The petitioner] was the only person from Argentina selected to participate in the 1997 course. Her selection was considered a prestigious award. It is a scholarship that is provided by the Japanese government and includes air tickets and living allowances.” In response to the director’s request for evidence, the petitioner submitted a January 24, 2008 letter from [REDACTED] stating:

The Japan International Cooperation Agency (JICA) is an independent government agency that coordinates official development assistance (ODA) for the government of Japan.

* * *

JICA’s programs include Technical Cooperation Projects, Dispatch of Technical Cooperation Experts, and Technical Training of Overseas Participants. Those who have received such technical training are now contributing in many ways to the development of their home countries and areas.

* * *

As a part of the ODA program, we grant a limited number of scholarships to only the most qualified applicants.

The preceding evidence does not establish that the petitioner’s receipt of a JICA scholarship to attend an “Introductory Gene Manipulation” training course in Japan is tantamount to her receipt of a nationally or internationally recognized award for excellence in the field. This scholarship represents financial assistance for the petitioner’s technical training at Osaka Prefecture University rather than a nationally or internationally recognized award for excellence in her field. The petitioner’s receipt of scholarship funding for this “Introductory” course offers no meaningful comparison between her and experienced professionals in the field who have long since completed their initial studies in gene manipulation.

The petitioner submitted an October 20, 1999 letter from the Director General of the Fund for Scientific and Technological Investigation (FONCyT), National Agency of Scientific and Technological Promotion (Argentina), stating: “I would like to inform you that considering the documentation presented and having complied with the corresponding requisites for the contested post-doctoral degree scholarship, we have appointed [the petitioner], as scholar in the mentioned project, being the starting date on 01/10/99.”² In response to the director’s request for evidence, the petitioner submitted a January 26, 2008 letter from [REDACTED] Professor and Head of the Ph.D. in Biology Program, Centro Regional Universitario Bariloche, Universidad Nacional del Comahue, stating:

² The “mentioned project” identified in the letter is [REDACTED].

I am the Director of the Program Project (PICT 97-00895). This project was funded through a grant from the National Agency of Scientific and Technological Promotion (FONCyT). [The petitioner] was awarded a Postdoctoral position in 1999, to participate in this project with me.

* * *

We selected the petitioner because, in addition to her unique research with medicinal plants, she had already mastered all of the novel molecular and immunology techniques, and she had been exposed to international forums (Japan); all this . . . indicated that [the petitioner] was a researcher with remarkably exceptional potential.

The preceding evidence does not establish that the petitioner's receipt of postdoctoral support funds from FONCyT is tantamount to her receipt of a nationally or internationally recognized award for excellence in the field. The petitioner's selection for this postdoctoral fellowship represents her receipt of financial support for participation in [redacted]'s research project. We note here that research grants simply fund a scientist's work. The research qualifications of the investigator are a factor in such positions. The funding institution has to be assured that the investigator is capable of performing the proposed research. Nevertheless, a research fellowship is principally designed to fund future scientific research, and is not a national or international award to honor or recognize excellent achievement in the field. Further, we note that a substantial amount of scientific research is funded by research grants from a variety of public and private sources. Therefore, we cannot conclude that receiving funding for one's advanced research training constitutes receipt of a nationally or internationally recognized prize or award for excellence in the field of endeavor. Such postdoctoral support funding is presented not to established researchers with active professional careers, but rather to recent graduates seeking to further their research training and experience.

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, a 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 submitted an October 18, 2006 letter from the Membership Coordinator of the American Association of Immunologists stating:

[The petitioner] . . . was accepted as a Trainee member of the American Association of Immunologists (AAI) on November 2, 2004 and is a member in good standing.

* * *

The categories of membership are; regular, emeritus, trainee and honorary. To be a Trainee member, the applicant must be a matriculated, pre-doctoral student in an immunology (or related field) graduate program. A signature of the program official is required. Also, a Trainee member may be a post-doctoral trainee in an immunology or related field. A signature of an AAI sponsor and a program official/department head is required.

With regard to the petitioner's "Trainee" membership grade in the AAI, we cannot conclude that being "a matriculated, pre-doctoral student in an immunology (or related field) graduate program" or "a post-doctoral trainee in an immunology or related field" constitute outstanding achievements. Further, we note that the petitioner's "Trainee" category is the least restrictive among the four grades of membership within the AAI. Accordingly, the petitioner's level of membership in the AAI is not an indication that she "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 seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top at some unspecified future time.

The petitioner also submitted letters from the American Society of Nephrology (ASN) and the American Society for Microbiology (ASM) indicating that she holds membership in the societies. The record, however, does not include documentation (such as membership bylaws) showing the admission requirements for the ASN or ASM.

In this case, the petitioner has not established that the AAI, the ASN, or the ASM require outstanding achievements of their members, as judged by recognized national or international experts in her field or an allied one. Accordingly, the petitioner has not established that she 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.³

The petitioner submitted a September 10, 2006 article about her in the Sunday edition of *Puntal*, a local newspaper distributed in the city of Rio Cuarto, Argentina. In response to the director's request for evidence, the petitioner submitted information reflecting that the Sunday edition of *Puntal* had an average circulation of only 8,338 in 2007. This information does not establish that *Puntal* qualifies as a form of major media.

The petitioner submitted an article in the March 2000 issue of *Interciencia: Scientific Bulletin of the National University of Rio Cuarto*. The article briefly mentions the petitioner as one of several members of a research team, but it is not primarily about her. The plain language of this regulatory criterion requires that the published material be "about the alien." Further, the author of the material was not identified as required by this regulatory criterion. Nor is there evidence showing that this university bulletin from the petitioner's alma mater qualifies as a major publication.

The petitioner submitted a January 19, 2000 article in *Prens Aromatica*, but the author of the material was not identified. Further, the article only mentions the petitioner's name in passing and there is no evidence demonstrating that *Prens Aromatica* qualifies as a major publication.

The petitioner submitted an article in the May 2001 issue of *Voces de la Universidad*, a magazine of the National University of Rio Cuarto, but this material was authored by the petitioner rather than being about her. In response to the director's request for evidence, the petitioner submitted information reflecting that this university publication has a circulation of only 1,200. This information does not establish that *Voces de la Universidad* qualifies as a major publication.

In response to the director's request for evidence, the petitioner submitted citation indices from ISI Web of Science demonstrating that her body of work has been cited an aggregate of 22 times. Regarding the scientific articles that merely reference the petitioner's published work, we note that the plain language of this regulatory criterion requires that the published material be "about the alien." In this case, the articles citing the petitioner's work are primarily about the authors' work, not the footnoted material identifying the petitioner. With regard to this criterion, a footnoted reference to the alien's work without evaluation is of minimal probative value. Further, we note that the articles citing the petitioner's work similarly referenced numerous other authors. The submitted citations to the petitioner's work do not discuss the merits of her work, her standing in the field, any significant impact that her work has had on the field, or any other aspects of her work consistent with sustained national or international acclaim. The citations of the petitioner's work are more relevant to the criterion at 8 C.F.R. § 204.5(h)(3)(vi) and will be further addressed later in this decision.

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

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

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

The petitioner submitted several letters of recommendation.

Assistant Professor of Medicine, Harvard Medical School, states:

[The petitioner] joined my laboratory at the Harvard Medical School in July 2001 to conduct cutting edge research in the field of inflammation-transplantation, which is the main focus of our work.

* * *

[The petitioner's] 2005 article published in *FASEB Journal*, a leading journal in the field of biochemistry and experimental biology, has been cited in eight (8) publications. [The petitioner] established . . . novel molecules (lipoxins) as critical in the protection against graft vs. host disease, a life-threatening condition that manifests after allogenic bone marrow transplantation (BMT). The scope of her work and the research avenues opened by it, broaden the field of BMT and have a strong potential impact on the diabetes "cure" via allogenic BMT, since the clinical application of BMT for tolerance induction towards the transplanted islets has been previously precluded by complications of graft-versus-host disease (GVHD).

letter goes on to discuss additional research papers coauthored by the petitioner in publications such as *Journal of Leukocytes Biology* and *Journal of Biological Chemistry*. The petitioner's published work is far more relevant 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, USCIS clearly does not view the two as being interchangeable. If evidence sufficient to meet one criterion mandated a finding that an alien met another criterion, the requirement that an alien meet at least three criteria would be meaningless. We will fully address the petitioner's published work and citation history under the next criterion.

Assistant Professor of Surgery, Harvard Medical School, and Associate Immunologist, Massachusetts General Hospital, states:

[The petitioner] worked for four years under the mentorship of at the Massachusetts General Hospital.

* * *

[The petitioner's] work has concentrated in determining the mechanisms underlying . . . tolerance induction after bone marrow transplantation in a diabetic mouse model.

* * *

In her most recent work, [the petitioner] was able to show that the main mechanism is the deletion of the cells that destroy the pancreas in the diabetic model. [The petitioner's] work is of tremendous importance for the field of transportation immunology and diabetes, and is making an extremely important contribution to the development of clinical treatments.

Investigator, Vascular Cell Biology, Joslin Diabetes Center, Harvard Medical School, states:

[The petitioner's] efforts have been focused on a novel approach to characterize the mechanisms involved in the toleration of diabetogenic cells in hematopoietic chimeras using a transgenic diabetic mouse model. She has demonstrated that the main mechanisms of toleration by mixed chimerism are central and peripheral deletion of autoreactive T-cells.

Associate Professor of Medicine, University of Pittsburgh Cancer Institute, states:

[The petitioner's] work in the induction of tolerance by bone marrow transplantation in a specific diabetic mouse model, has provided valuable information about the mechanisms by which bone marrow transplantation modulated the cells involved in the pancreatic cells destruction. Her finding is very exciting and is a breakthrough in the field.

Professor, Center for Medical Physics and Technology, Biophysics Group, Friedrich-Alexander-University of Erlangen-Nurnberg, states: "[The petitioner's] recent discovery of the deletion of disease causing cells in mice with diabetes has significant consequences to the understanding of the molecular mechanism."

While the petitioner's research is no doubt of value, it can be argued that any research must be shown to be original and present some benefit if it is to receive funding and attention from the scientific community. Any Ph.D. thesis or postdoctoral research, in order to be accepted for graduation, publication, presentation, or funding, must offer new and useful information to the pool of knowledge. It does not follow that every researcher who performs original research that adds to the general pool of knowledge has inherently made a contribution of major significance in the field.

Head, Laboratory Research, Centre for Kidney Research, Children's Hospital at Westmead, Australia, states:

[The petitioner's] work . . . is currently in the process of reaching publication where it will have a major impact on the understanding and treatment of autoimmune disease. She has defined the key mechanisms that allow leakage of T cells that lead to autoimmune destruction in 2 models of autoimmune disease, diabetes and a model of aggressive kidney disease.

██████████ Associate Professor of Experimental Surgery, and Immunologist, Medical University of Vienna, states: “[The petitioner’s] work on critical issues relating to the mechanism involved in the tolerization of diabetogenic cells holds promise for new strategies in the treatment of diabetes and other autoimmune diseases.”

██████████ Assistant Professor of Medicine, Harvard Medical School, and Associate Physician, Nephrology Division, Massachusetts General Hospital, states:

[The petitioner’s] contributions in discovering the mechanisms by which bone marrow transplantation maintains or restores immune tolerance represents a significant breakthrough. I am convinced that [the petitioner] will continue to unravel the mechanisms of type I diabetes and help foster the development of anti-diabetic therapies.

With regard to the witnesses of record, many of them discuss the promise of the petitioner’s research and what may one day result from her work, rather than how her past research already qualifies as a contribution of major significance in the field. 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 45, 49. The assertion that the petitioner’s research results hold promise is not adequate to establish that her findings are already nationally or internationally acclaimed as major contributions 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 has performed admirably on the research projects to which she was assigned, the evidence of record does not establish that she has made original scientific contributions of major significance in her field. For example, the petitioner’s supporting evidence does not establish that her work has had a substantial national or international impact, nor does it show that her field has significantly changed as a result of her work.

The opinions of experts in the field, while not without weight, cannot form the cornerstone of a successful extraordinary ability claim. USCIS 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, USCIS 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; USCIS 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 biomedical researcher who has sustained national or international acclaim. Without evidence showing that the petitioner’s work has been unusually influential, highly acclaimed throughout her field, or has otherwise risen to the level of contributions of major significance, 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 showing that she coauthored articles in publications such as *Journal of Leukocytes Biology* and *Journal of Biological Chemistry*. The petitioner also submitted evidence showing that she coauthored several papers for presentation at various scientific conferences. We take administrative notice of the fact that authoring scholarly articles is inherent to scientific research. For this reason, we will evaluate a citation history or other evidence of the impact of the petitioner's articles when determining their significance to the field. For example, dozens of independent citations for an article authored by the petitioner would provide solid evidence that other researchers have been influenced by her work and are familiar with it. On the other hand, few or no citations of an article authored by the petitioner may indicate that her work has gone largely unnoticed by her field. In response to the director's request for evidence, the petitioner submitted evidence showing that her body of work has been cited an aggregate of 22 times. While the citation history submitted by the petitioner demonstrates some interest in four of her articles, it is not sufficient to demonstrate that her published work has attracted a level of interest in her field consistent with sustained national or international acclaim.

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

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

The petitioner argues that presentation of her work at scientific conference meets this regulatory criterion. The petitioner's field, however, is not in the arts. The plain language of this regulatory criterion indicates that it is intended for visual artists (such as sculptors and painters) rather than for researchers such as the petitioner. The ten criteria in the regulations are designed to cover different areas; not every criterion will apply to every occupation. The petitioner's conference presentations are more relevant to the "authorship of scholarly articles" criterion at 8 C.F.R. § 204.5(h)(3)(vi), a criterion that has already been addressed. Nevertheless, in the fields of science and medicine, acclaim is generally not established by the mere act of presenting one's work at a conference or symposium along with dozens of other participants. Nothing in the record indicates that the presentation of one's work is unusual in the petitioner's field or that invitation to present at venues where the petitioner's work appeared was a privilege extended to only a few top researchers. Many professional fields regularly hold conferences and symposia to present new work, discuss new findings, and to network with other professionals. These conferences are promoted and sponsored by professional associations, businesses, educational institutions, and government agencies. Participation in such events, however, does not elevate the petitioner above almost all others in her field at the national or international level.

In light of the above, 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.

At issue for this criterion are the position the petitioner was selected to fill and the reputation of the entity that selected her. In other words, the position must be of such significance that the alien's selection to fill the position, in and of itself, is indicative of or consistent with national or international acclaim. On appeal, the petitioner submits published rankings showing that the Nephrology Division at Massachusetts General Hospital has a distinguished reputation. With regard to the petitioner's role for the Nephrology Division, a February 20, 2008 letter from [REDACTED], Principal Investigator, Nephrology Division, Massachusetts General Hospital, states:

[The petitioner's] willingness to collaborate, share her expertise, and her team attitude was essential to the success of the science. As an example I will describe one of my own projects, which depended on the expertise of [the petitioner].

* * *

As the Principal Investigator of this project I can confirm that [the petitioner] played a critical role on this research work, and it would not have been possible without her. The project required extensive experience with *in vivo* experiments and use of animal models. I asked [the petitioner] to collaborate because I depended on her superb skills to work with bone marrow cells, and her ability to introduce mouse model peritonitis. [The petitioner] not only provided extensive technical expertise and training of personnel, but she also provided invaluable intellectual input, and designed novel experiments that led to unexpected new findings.

While the petitioner has performed admirably on the research projects to which she was assigned, there is no evidence showing that her role as a postdoctoral research fellow was leading or critical for the Nephrology Division at Massachusetts General Hospital. This subordinate role is designed to provide research training for a future professional career in the field of endeavor. The petitioner's evidence does not demonstrate how her role differentiated her from the other researchers in the division, let alone its tenured faculty and principal investigators.⁴ For example, there is no indication that the petitioner has served as a "Principal Investigator" and initiated her own research projects. The documentation submitted by the petitioner does not establish that she was responsible for the Nephrology Division's 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 she 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.

⁴ A comparison of the petitioner's position with that of her superiors (such as [REDACTED] and of the other individuals offering letters of support indicates that the very top of her field is a level above her present level of achievement.

The petitioner submitted a September 4, 2006 letter from [REDACTED] stating that she receives an annual salary of \$37,000. The plain language of this regulatory criterion requires the petitioner to submit evidence of a high salary “in relation to others in the field.” The petitioner offers no basis for comparison showing that her compensation was significantly high in relation to others in her field. Accordingly, the petitioner has not established that she meets this criterion.

In this case, we concur with the director’s finding that the petitioner has failed to demonstrate her receipt of a major internationally recognized award, or that she meets at least three of the criteria that must be satisfied to establish the national or international acclaim necessary to qualify as an alien of extraordinary ability. 8 C.F.R. § 204.5(h)(3). The conclusion we reach by considering the evidence to meet each criterion separately is consistent with a review of the evidence in the aggregate. Even in the aggregate, the evidence does not distinguish the petitioner as one of the small percentage who has risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2).

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 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 appeal is dismissed.