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] Office: NEBRASKA SERVICE CENTER Date: AUG 0 4 2009
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IN RE: Petitioner: [redacted]
Beneficiary:

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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

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

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

U. Deadrick
John F. Grissom
Acting Chief, Administrative Appeals Office

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

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability in education. The director determined that the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability. More specifically, the director found that the petitioner had failed to demonstrate receipt of a major, internationally recognized award, or that he meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3). The director also determined that the petitioner had not submitted clear evidence that he would continue to work in his area of expertise in the United States.

On appeal, the petitioner argues that he meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3) and that his evidence should also be evaluated pursuant to the regulation at 8 C.F.R. § 204.5(h)(4). The petitioner further states that prospective employers will not consider him for job offers in the United States "without petition approval or any assurance from the USCIS."

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

> (1) Priority workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):
>
> > (A) Aliens with extraordinary ability. -- An alien is described in this subparagraph if --
> >
> > > (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
> > >
> > > (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
> > >
> > > (iii) the alien's entry into the United States will substantially benefit prospectively the United States.

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

criteria will be addressed below. It should be reiterated, however, that the petitioner must show that he has sustained national or international acclaim at the very top level.

This petition, filed on January 4, 2008, seeks to classify the petitioner as an alien with extraordinary ability as an educator. The petitioner's range of experience includes religious studies, church leadership, literary studies, community activism, and cultural exchange. Regarding his plans to continue to work in the United States, the petitioner submitted a signed declaration stating: "I, [the petitioner], am going to select or seek teaching positions at local colleges and universities utilizing my a [sic] post doctorial degree of Education that I have experienced." The petitioner's continuation of his work in the United States will be further addressed below in our discussion of the evidence pertaining to the regulation at 8 C.F.R. § 204.5(h)(5).

The regulation at 8 C.F.R. § 204.5(h)(3) indicates that an alien can establish sustained national or international acclaim through evidence of a one-time achievement (that is, a major, internationally recognized award). Barring the alien's receipt of such an award, the regulation outlines ten criteria, at least three of which must be satisfied for an alien to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability. A petitioner, however, cannot establish eligibility for this classification merely by submitting evidence that simply relates to at least three criteria at 8 C.F.R. § 204.5(h)(3). In determining whether the petitioner meets a specific criterion, the evidence itself must be evaluated in terms of whether it is indicative of or consistent with sustained national or international acclaim. A lower evidentiary standard would not be consistent with the regulatory definition of "extraordinary ability" as "a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The petitioner has submitted evidence pertaining to the following criteria under 8 C.F.R. § 204.5(h)(3).[1]

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

The petitioner submitted the following:

1. Certificate issued by the Mayor of Harrisburg, Pennsylvania stating: "In honor of the visit to The City of Harrisburg . . . and in recognition of the friendship, cooperation and dedication to exemplary public service exhibited by [the petitioner] there is hereby conferred upon such person Honorary Citizenship" (1997);
2. Citation from the City Council of Philadelphia honoring the petitioner for his participation in the "Trip of Friendship" (1997);
3. Citation from the City Council of Philadelphia honoring the petitioner for his participation in the "Trip of Friendship" and "recognizing him as an Honorary Citizen of Philadelphia" (1997);

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

4. A November 20, 1997 letter of appreciation from the Mayor of Philadelphia expressing thanks for the petitioner's sponsorship of a visit by a delegation of forty individuals from Philadelphia to Inchon, Korea;
5. Proclamation from the Mayor of Pottstown, Pennsylvania naming the petitioner an honorary citizen in appreciation of his sponsorship of the "Friendship Tour" (1997);
6. Citation of Appreciation from the Mayor of Pottstown, Pennsylvania in recognition of the petitioner's "work in building a better understanding among the different cultures of the world therefore promoting peace and harmony" (1997);
7. Certificate of Appreciation issued by the Mayor of Charlotte, North Carolina thanking the petitioner for "outstanding contributions to the community" (1997);
8. Prize Certificate (number 2049) reflecting that the petitioner was recognized by the "Society for Preparation of Foundation for Unification" for making a "contribution to the preparation of the foundation for unification, by doing his best to serve community, to unite citizens, to stabilize society, and to collect citizens' power" (1997); and
9. Letter of Confirmation (number 2049) congratulating the petitioner on his receipt of the "Prize for Preparation of Foundation for Unification" and awarding him the "title of Pioneer for the Unification of Fatherland" (1997).

Items 1 through 7 reflect forms of local recognition rather than nationally or internationally recognized prizes or awards for excellence in the field of endeavor. With regard to items 8 and 9, there is no evidence demonstrating the significance of the petitioner's "Prize for Preparation of Foundation for Unification" and honorary title. The petitioner has not established that his prize (number 2049) and honorary title reflect national or international recognition for excellence in the field rather than institutional recognition. For example, there is no evidence showing that petitioner's prize and honorary title had a significant level of recognition beyond the presenting organization. The plain language of the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i) specifically requires that the petitioner's awards be nationally or internationally *recognized* in the field of endeavor and it is his burden to establish every element of this criterion. In this case, there is no evidence demonstrating that items 1 through 9 are tantamount to nationally or internationally recognized prizes or awards for excellence in the petitioner's field of endeavor. Accordingly, the petitioner has not established that he meets this criterion.

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

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 27, 1995 "Letter of Appointment and Commission" naming him "Steering Director" for the "National Movement for Invitation of 2002 World Cup." In response to the director's request for evidence, the petitioner asserts that his membership on the Korean "commission for 2002 World Cup" meets this regulatory criterion. The petitioner has not established that his appointment to this commission equates to membership in an association in the field for which classification is sought. Further, there is no evidence indicating that this appointment required outstanding achievements, as judged by nationally or internationally recognized experts.

In this case, there is no evidence showing that the petitioner holds membership in an association requiring outstanding achievements of its members, as judged by recognized national or international experts in his field or an allied one. Accordingly, 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). For example, evaluating the work of accomplished professors as a member on a national panel of experts is of far greater probative value than evaluating the work of students.

The petitioner submitted a December 10, 1994 "Letter of Appointment and Commission" from the President of the AD 2000 and Beyond Movement stating: "AD 2000 and Beyond Movement hereby appoint and commission [the petitioner] as a Director of Saturation Church Planting Track to expand AD 2000 and Beyond Movement for national and global evangelization conducted by whole churches in full power and effort." In response to the director's request for evidence, the petitioner asserts that his participation on the AD 2000 and Beyond Movement Committee meets this regulatory criterion. The content of the December 10, 1994 letter from the President of the AD 2000 and Beyond Movement does not support the petitioner's assertion. The plain language of this regulatory criterion requires "[e]vidence of the alien's participation . . . as a judge of the work of others in the same or an allied field of specification." In this instance, there is no evidence showing that the petitioner participated as a judge of the work of others in the same or an allied field while serving as

director on the committee. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 158, 165 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. at 190). There is no evidence, for instance, showing the specific work judged by the petitioner, his dates of participation, the names of those he evaluated, their level of expertise, or documentation of his assessments. Without evidence establishing that the petitioner has actually participated as a judge and that his activities were consistent with sustained national or international acclaim, we cannot conclude that he meets this criterion.

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

We acknowledge the petitioner's submission of four recommendation letters discussing his educational qualifications and involvement in community projects such as the "Trip of Friendship" project. Education and activity in one's field, however, are not necessarily indicative of original contributions of major significance. The record lacks evidence showing that the petitioner has made original scholarly contributions that have significantly influenced or impacted his field.

Academic Dean, California Union University, states:

> I have known [the petitioner] in variety of capacities for several years. [The petitioner] is well organized, efficient, extremely competent, and has an excellent rapport with people of all ages. His communication skills, both written and verbal are excellent.
>
> [The petitioner] is a careful and creative thinker with an eye for details and a devotion to logic, while serves his well both in the education and outside them.
>
> is not only a professional, but he is also personally delightful. As I got to know [the petitioner] over the years, I became only more impressed by the wide range of his abilities. He is an accomplished educator and a scholar.
>
> Upon his completion of undergraduate degree for Bachelor of Art, he continued to purse his schooling, earning a Master of Theology, a Doctor of Arts, and finally a Doctor of Education. [The petitioner] has shown his strong commitment to international good relations between the United States of America and Republic of Korea as an active leader. [The petitioner] has spent considerable time outside of his full time employment. He made arrangements to invite over forties [sic] civic leaders every year for "Trip of Friends" to visit Korea from the State of Pennsylvania, by funding this project for himself. And this meaningful project still continues by his successor.
>
> This is good example of his unselfishness to involve community activities. He was recognized and awarded an honor citizenship from the participating city's Mayors for his accomplishments.

, Chairman of Board, Reformed University, states:

As two years time, I have come to know [the petitioner] well in personally and his professionalism.

I am very proud of his academic achievements. He has one Master degree in Theology. And two Doctors degrees in Arts and Education. I have no doubt that this gentleman is intelligent, devoted and a great asset where he is belong to.

[The petitioner] has started a local church with a handful of people and he increased church membership well over 3,200 congregations upon his departure from his homeland.

[The petitioner] has donated countless hours of his time to the community activities. He has also helped to implement plans and programs that will enrich the lives of those around him. [The petitioner's] leadership and organization skills have been invaluable to this program.

Especially, he pioneered a special project named "Trip of Friends" for over 40's [sic] American civic leaders to visit Korea every year and he funded this project by himself.

He was awarded numerous times by accomplishing many other projects that he personally involved.

President, California Union University, states:

It gives me great satisfaction to recommend [the petitioner] for a candidate as a category to posses extraordinary ability. This gentleman is highly professional in both dress and demeanor. I must also make note of his exceptional academic achievements. He earned one master degree in Theology, and two Doctors degrees in Arts and Education.

[The petitioner] is such a passionate and prolific speaker that he needs a steady supply to maintain his voice. He is a great educator and a scholar from his backgrounds.

[The petitioner's] impact has even been felt outside of his full time jobs. I have seen many examples of his talent and have been inspired by his delight and work habit. He is able to successfully complete multiple tasks with favorable results on deadline pressure. [The petitioner] has shown an ongoing interest in world affairs and international developments. He demonstrated his leadership by organizing a special project "Trip of Friends" which made possible that many Americans could visit to Korea ever year.

[The petitioner] not only headed this project, he ensured it [sic] success by funding himself.

, Chairman, The Puritans Spiritual Training Center, Seoul, Korea, states:

> In my capacity as Chairman of Puritan Spiritual Training Center located at Seoul, Korea I have worked closely with [the petitioner] for more than a decade. I am continuously maintain [sic] close relations with him daily or weekly basis.
>
> Our Teaching facilities established with four people to include [the petitioner] about 9 years ago. We now have more than 2 millions [sic] members. Currently, each time we conduct a seminar, we gather around ten thousands people to attend. While [the petitioner] was in Korea he dedicated a great deal to grow this teaching organization.
>
> In October 2006, [the petitioner] was coordinating with Puritan Spiritual Training in the United States and we expected to have more than 2,000 people to come to the United States from Korea to attend this seminar. This seminar turned out very successful. We registered through the State Department's Bulletin Board to announce this event.
>
> [The petitioner] was charged and fully responsible to perform this activity including advertisement through local medias-TVs, Radios, Newspapers and Interviews with them, accommodations, trips, airlines reservations, visa applications and transportation arrangements.
>
> We plan to conduct these yearly events at different locations around the globe. [The petitioner] is again going to coordinate and share with teaching opportunities within our establishments to years come.
>
> After his schooling in the United States earning a master degree in Theology, two doctors degree in Arts and Education, he returned to his homeland and he established a special task named "Trip of Friends" for over 40's [sic] American all type of civic leasers [sic] could come to Korea to promote friendships internationally. This still continue by his successor after he left Korea.

The preceding individuals credit the petitioner with organizing the "Trip of Friends" and coordinating spiritual training seminars, but there is no evidence demonstrating that these accomplishments are tantamount to original scholarly contributions 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 has earned the admiration of his colleagues, there is no evidence establishing that specific work attributable to him equates to original contributions of major significance in the field. For example, the record does not indicate the extent of the petitioner's influence on other educators nationally or internationally, nor does it show that the scholarly field has somehow changed as a result of his work.

In this case, the recommendation letters submitted by the petitioner are not sufficient to meet this regulatory criterion. USCIS may, in its discretion, use as advisory opinion statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Commr. 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's

eligibility for the benefit sought. *Id.* The submission of letters of support from the petitioner's personal contacts is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795. Thus, the content of the writers' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence of original contributions of major significance that one would expect of an educator who has sustained national or international acclaim at the very top of the field.

In addition to the recommendation letters, the petitioner submitted a September 1, 1989 "Letter of Appointment and Commission" from the Minister of Justice, appointing the petitioner "as a Commissioner of Inchon Probation Administration to provide offenders with a proper guidance and to prevent community from crimes through probation activities." The petitioner also submitted an April 11, 1989 letter from appointing the petitioner "as a Commissioner of the Namgu District, Inchon Branch of Relief and Rehabilitation Society to protect community from crimes and to improve the individual and public welfare through proper guidance activities."

In response to the director's request for evidence, the petitioner asserts that the preceding letters from the Minister of Justice meet this regulatory criterion. The record, however, does not include evidence showing that the petitioner's work as a Commissioner of the Inchon Probation Administration and as a Commissioner of the Namgu District, Inchon Branch of Relief and Rehabilitation Society was tantamount to original scholarly contributions of major significance in the field. With regard to the brief appointment letters dated September 1, 1989 and April 11, 1989, they do not specify exactly what the petitioner's original contributions to the criminal rehabilitation system were, nor is there an explanation indicating how any such contributions were of major significance in his field. Without extensive documentation showing that the petitioner's work has been unusually influential, highly acclaimed throughout his field, or has otherwise risen to the level of original contributions of major significance, we cannot conclude that he meets this criterion.

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

In response to the director's request for evidence, the petitioner asserts that he meets this regulatory criterion through his selection for televised speaking engagements produced by "Christian Broadcasting TV stations in Korea." A televised speaking engagement does not equate to "authorship of scholarly articles in the field, in professional or major trade publications or other major media." Nevertheless, the record does not include video footage or transcripts from the television programs on which the petitioner claims to have appeared. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 158, 165. A petition must be filed with any initial evidence required by the regulation. 8 C.F.R. § 103.2(b)(1). The nonexistence or other unavailability of primary evidence creates a presumption of ineligibility. 8 C.F.R. § 103.2(b)(2)(i). In this instance, there is no evidence showing that the petitioner has authored "scholarly articles in the

field, in professional or major trade publications or other major media." Accordingly, the petitioner has not established that he meets this criterion.

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

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

As discussed, the petitioner submitted letters of "Appointment and Commission" from a number of organizations naming him to various positions. The limited content in these brief letters is not sufficient to demonstrate that the petitioner's role for the organizations was leading or critical. The record lacks information regarding the specific nature of the petitioner's roles and how those roles differentiated him from the other members of the organizations. Further, there is no evidence showing that the organizations for which the petitioner served had a distinguished reputation. In this case, the documentation submitted by the petitioner does not establish that he was responsible for the success or standing of the organizations to which he was appointed to a degree consistent with the meaning of "leading or critical role" and indicative of sustained national or international acclaim.

In response to the director's request for evidence, the petitioner asserts that his involvement with the "Trip of Friendship" meets this regulatory criterion. The petitioner states: "I was a sole sponsor and a financer for the 'Trip of Friendship' to seek potential problems caused by racial and cultural differences among mixed races in America. There were forty people on each group to travel to Korea funded by me." There is no evidence establishing that the "Trip of Friendship" program equates to an organization or establishment or that the program continued subsequent to 1997 with the petitioner performing in a leading or critical role. Further, while this program earned recognition from participating municipalities in Pennsylvania and North Carolina, there is no evidence demonstrating that its reputation extended beyond those areas.

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.*

In response to the director's request for evidence, the petitioner asserts that he "was making extreme high income in the nation during [his] stay in Korea." The record, however, does not include supporting evidence (such as payroll records or income tax forms) showing the petitioner's actual earnings for any specific period of time. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 158, 165. A petition must be filed with any initial evidence required by the regulation. 8 C.F.R. § 103.2(b)(1). The nonexistence or other unavailability of primary evidence creates a presumption of ineligibility. 8 C.F.R. § 103.2(b)(2)(i). Further, 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. Accordingly, the petitioner has not established that he meets this criterion.

In this case, we concur with the director's finding that the petitioner has failed to demonstrate his receipt of a major internationally recognized award, or that he meets at least three of the criteria that must be satisfied to establish the national or international acclaim necessary to qualify as an alien of extraordinary ability. 8 C.F.R. § 204.5(h)(3). The conclusion we reach by considering the evidence to meet each criterion separately is consistent with a review of the evidence in the aggregate. Even in the aggregate, the evidence does not distinguish the petitioner as one of the small percentage who has risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2). Further, there is no evidence showing that the petitioner's national or international acclaim has been sustained. *See* section 203(b)(1)(A)(i) of the Act, 8 U.S.C. § 1153(b)(1)(A)(i), and 8 C.F.R. § 204.5(h)(3). Specifically, the record does not include evidence of nationally or internationally acclaimed achievements and recognition subsequent to the 1990s.

In response to the director's request for evidence, the petitioner asserts that his June 1, 1997 Letters of Appointment and Commission naming him chairman of the *Korean News of Canada* and the *Korean Christian Journal of North America* are comparable evidence of his extraordinary ability. The petitioner further states that he conducted seminars and a Puritan Spiritual Training Workshop in the Los Angeles area in October 2006. The regulation at 8 C.F.R. § 204.5(h)(4) allows for the submission of "comparable evidence" only if the ten criteria "do not readily apply to the beneficiary's occupation." The regulatory language precludes the consideration of comparable evidence in this case, as there is no evidence that eligibility for visa preference in the petitioner's occupation cannot be established by the ten criteria specified by the regulation at 8 C.F.R. § 204.5(h)(3). Where an alien is simply unable to meet three of the regulatory criteria, the plain language of the regulation at 8 C.F.R. § 204.5(h)(4) does not allow for the submission of comparable evidence.

Nevertheless, there is no evidence showing that the documentation the petitioner requests evaluation of as comparable evidence constitutes achievements and recognition consistent with sustained national or international acclaim at the very top of his field. For example, with regard to the petitioner's chairmanship appointments for the *Korean News of Canada* and the *Korean Christian Journal of North America*, the record does not include information about the petitioner's role as chairman, evidence showing that these publications have a distinguished reputation, or documentation showing that they equate to professional publications or some other form of major media. Regarding the petitioner's seminars and Puritan Spiritual Training Workshop, the record does not include contemporaneous material from the events or evidence showing that the events attracted a level of interest consistent with sustained national or international acclaim. The director found the petitioner had not established that the regulatory criteria at 8 C.F.R. § 204.5(h)(3) were inapplicable to his field and that his chairmanship appointments, seminars, and workshop were comparable to the forms of evidence required by the ten criteria under the aforementioned regulation. We concur with the director's findings.

The director also found that the petitioner, who was admitted to the U.S. as a nonimmigrant religious worker in 2005, had not submitted clear evidence that he would continue to work in his area of expertise in the United States. The regulation at 8 C.F.R. § 204.5(h)(5) requires "clear evidence that the alien is coming to the United States to continue work in the area of expertise. Such evidence may include letter(s) from prospective employer(s), evidence of prearranged commitments such as contracts, or a statement from the beneficiary detailing plans on how he or she intends to continue his or her work in the United States." As previously noted, the petitioner submitted a signed declaration in support of his Form I-140 stating: "I, [the petitioner], am going to select or seek teaching positions at local colleges and universities utilizing my a [sic] post doctorial degree of Education that I have experienced." The content of the petitioner's brief statement does not provide sufficient information detailing his plans for continuing his work in the United States. For example, the petitioner does not specify the colleges and universities that have expressed an interest in hiring him for a teaching position. Moreover, according to the petitioner's Form G-325, Biographic Information, signed by the petitioner on December 31, 2007, he has been working as a pastor at a church from July 2006. Accordingly, we concur with the director's finding that the petitioner's evidence does not meet the requirements of 8 C.F.R. § 204.5(h)(5).

Review of the record does not establish that the petitioner has distinguished himself to such an extent that he may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of his field. The evidence is not persuasive that the petitioner's achievements set him significantly above almost all others in his field at a national or international level. Nor is there clear evidence demonstrating that the petitioner will continue to work in his area of expertise in the United States. Therefore, the petitioner has not established eligibility pursuant to sections 203(b)(1)(A)(i) and (ii) of the Act and the petition may not be approved.

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

ORDER: The appeal is dismissed.