



U.S. Citizenship
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FILE:

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Office: NEBRASKA SERVICE CENTER

Date: AUG 13 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:

[REDACTED]

INSTRUCTIONS:

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

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, 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 athletics. 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, counsel argues that the petitioner meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3) and that the petitioner has submitted comparable evidence of his extraordinary ability in the form of recommendation letters.

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 May 21, 2007, seeks to classify the petitioner as an alien with extraordinary ability “in the sport of shooting.” In an April 13, 2007 “Statement of Intent” accompanying the petition, the petitioner states that he is “an accomplished professional shooter.” The petitioner further states: “I will continue my profession by representing the United States in various national/international championships in the sport of shooting. I will also impart my knowledge/skills and train individuals in the sport so that they can represent the United States at the highest level.” The petitioner’s continuation of his work in the United States as required by section 203(b)(1)(A)(ii) of the Act and the regulation at 8 C.F.R. § 204.5(h)(5) will be addressed later in this decision.

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 initially submitted certificates reflecting that he attended and successfully completed various police tactics and weapons training courses. There is no evidence establishing that these course completion certificates equate to nationally or internationally recognized prizes or awards for excellence in the petitioner’s field.

The petitioner also submitted the following:

1. Photograph of “National Champion Police Shooting” trophy (1995) for the standard category from the International Defensive Pistol Association (IDPA) and a certificate issued by the Venezuelan Shooting Federation and the IDPA stating that the petitioner was “National Champion ‘Police Revolver’” (1995);
2. Photograph of “National Champion Police Shooting” trophy (1996) for the standard category from the IDPA and a certificate issued by the Venezuelan Shooting

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

- Federation and the IDPA stating that the petitioner was “National Champion ‘Police Revolver’” (1996);
3. Photograph of “National Champion Combat Shooting” trophy (1997) for the standard category from the International Practical Shooting Confederation (IPSC);
 4. Photograph of “VIII National Championship Combat Shooting” 1st place trophy for the standard category (November 1997);
 5. Photograph of “V National Championship Combat Shooting” 1st place trophy for the standard category (August 1997);
 6. Photograph of the IPSC National Champion trophy for the master category (November 2000);
 7. Photograph of the “II National Championship Olympic Shooting” trophy for the “Rimfire Open Category 75 meters” (September 2001);
 8. Photograph of “National Champion Combat Shooting” trophy (2001) for the standard category and a certificate issued by the Venezuelan Shooting Federation and the IDPA stating that the petitioner was “National Champion” for the “‘Sharp-Shooter’ Pistol Production” category (2001);
 9. Photograph of “South American Olympic Shooting” 2nd place trophy for the “Rimfire 50 meters Master” category (2001);
 10. Photograph of “3rd Place Police Shooting” trophy for the master category (October 2001)
 11. Photograph of the “National Champion 2002” trophy for the revolver master category from the IDPA and a certificate issued by the Venezuelan Shooting Federation and the IDPA stating that the petitioner was “National Champion” for the “‘Sharp-Shooter’ Pistol Production” category (2002);
 12. Photograph of a medal from the “Regional Championship” in Puerto La Cruz, Venezuela (2001); and
 13. Photograph of a medal from the “Regional Championship” in Valencia, Venezuela (2000).

With regard to the photographs of the petitioner’s trophies and medals, we note that these awards do not bear an inscription of the petitioner’s name. Further, pursuant to 8 C.F.R. § 103.2(b)(3), any document containing foreign language submitted to USCIS 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 accompanying the photographs of the petitioner’s trophies were not certified by the translator as required by the regulation. With regard to items 12 and 13, these medals reflect regional recognition rather than nationally or internationally recognized prizes or awards for excellence in shooting.

The petitioner also submitted a certification from the General Secretary of the Venezuelan Shooting Federation stating:

[The petitioner] is credited with the following awards:

- 1995 National Shooting Champion (Police Revolver)
- 1996 National Shooting Champion (Police Revolver)
- 1997 National Shooting Champion (IPSC)
- 2000 National Shooting Champion (IPSC)
- 2001 National Shooting Champion (IDPA)
- 2001 National Shooting Champion (IPSC)
- 2002 National Shooting Champion (Police Revolver)

The plain language of the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i) specifically requires that 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. The record, however, does not include supporting evidence demonstrating the significance and magnitude of the shooting events in which the petitioner competed. For example, there is no evidence indicating number of competitors in the petitioner's "standard" and "master" categories or documentation demonstrating that those categories represented competition at the very top of his field. *See* 8 C.F.R. § 204.5(h)(2). In this case, there is no evidence establishing that the petitioner's awards were received in top level competition and that they had significant national or international recognition in his field beyond the context of the sporting events where they were presented.

Nationally or internationally recognized prizes or awards won by individuals trained or coached primarily by the petitioner can also be considered for this criterion. The record, however, does not include evidence demonstrating that individuals under the petitioner's tutelage have won nationally or internationally recognized prizes or awards in shooting.

Finally, there is no evidence showing that the petitioner or his trainees have received prizes or awards in shooting competition subsequent to 2002. On May 20, 2008, the director issued a request for evidence (RFE) to the petitioner stating: "The record does not have evidence of awards later than 2002. Provide evidence that you have continued to be recognized for shooting and training since 2002."

In response to the RFE, the petitioner submitted several certificates reflecting that he attended and successfully completed a Level 1 Police Tactical Shooting Course (September 2006), a "Basic Course" in Tactical Rappelling (January 2007), a course in Confined Area Interventions (January 2007), a "Tactical Pistol II" course (July 2007), a Tactical Carbine training course (July 2007), and a National Rifle Association "Basic Pistol Course" (January 2008). The petitioner completed the latter three courses subsequent to the petition's filing date. A petitioner, however, must establish eligibility at the time of filing. 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Regl. Commr. 1971). Accordingly, the AAO will not consider the courses from July 2007 and January 2008 in this proceeding. Nevertheless, there is no evidence establishing that these training course completion certificates equate to nationally or internationally recognized prizes or awards for excellence in the petitioner's field.

Counsel cites to an AAO decision in a previously decided, unpublished case for an art director for the contention that "nationally recognized honors . . . indicate sustained national acclaim." Pursuant to 8 C.F.R. § 103.3(c), designated and published decisions of the AAO are binding precedent on all

USCIS employees in the administration of the Act. However, unpublished decisions have no such precedential value. Nevertheless, we find that the present case is easily distinguishable from the cited matter. **For example, in the decision involving the art director, the AAO stated:** “The petitioner has won four of these awards, one award for each of the four years preceding the filing of the petition. The petitioner’s awards thus indicate sustained acclaim in his field.” We concur with the AAO’s reasoning in the cited matter. However, in the present case, unlike the cited matter, the petitioner has not received any nationally recognized prizes or awards in the four years preceding the filing date of the petition. Without qualifying evidence proximate to the date of filing, the petitioner has not demonstrated that his national or international acclaim as a professional shooter or shooting trainer 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). The awards submitted by the petitioner are not consistent with sustained national or international acclaim as of the date of filing of this petition and, thus, are insufficient to meet this criterion without additional evidence under this criterion or other criteria documenting the petitioner’s more recent national or international acclaim as a shooter.

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.

The petitioner submitted an undated letter from the Director of Sport Sponsorship for Banesco Universal Bank stating that the petitioner is a “member of the ‘BANESCO SHOOTING TEAM.’” The petitioner also submitted a letter from [REDACTED] stating that the petitioner was a member of Venezuelan National Guard Shooting Team, but the record does not include evidence from the Venezuelan National Guard confirming his assertion. 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. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). While membership on an Olympic team or a major national team such as a World Cup soccer team may serve to meet this criterion as such teams are limited in the number of members and have a rigorous selection process, it is the petitioner’s burden to demonstrate that he meets every element of a given criterion, including that he is a member of a team that requires outstanding achievements of its members, as judged by recognized national or international experts. We will not presume that every national or professional “team” is sufficiently exclusive. Without evidence showing, for instance, the selection requirements for the petitioner’s Banesco and National Guard shooting teams, we cannot conclude that the petitioner meets the elements of this regulatory criterion.

The petitioner submitted an undated letter from the Secretary General Secretary of the Venezuelan Shooting Federation and an identification card from 2001 as evidence of his membership in the federation. The petitioner also submitted an undated letter from [REDACTED] Chief Executive Officer, Argos Group, LLC, stating that the petitioner is an “active member” of his organization. On appeal, counsel asserts that the petitioner was also a member of the National Rifle Association. The petitioner, however, has not submitted his membership credential for the National

Rifle Association identifying him as a member. Further, there is no evidence (such as membership bylaws) showing the official admission requirements for the preceding organizations. As previously indicated, 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.

The petitioner also submitted evidence of his participation as an instructor or student in training programs offered by such organizations as Alpha Tactical, Armament National Armed Forces, Weapons Division of the National Armed Forces, and the Isla de Margarita Police Department. The petitioner has not established that his participation as an instructor or a student in these training programs equates to “membership in associations in the field.”

In this case, there is no evidence showing that the Venezuelan Shooting Federation, Argos Group, Banesco Shooting Team, Venezuelan National Guard Shooting Team, or the various organizations for which the petitioner provided or received training required outstanding achievements of their members, as judged by recognized national or international experts in the petitioner’s field or an allied one. Accordingly, 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.²

The petitioner submitted a six-sentence article entitled “International Championship in the Tiuna Fort in Caracas I.P.S.C.” in the January 7, 1998 issue of *Poligono Libertador*. The petitioner also submitted a four-sentence article entitled “Olympic Shooting South American and Caribbean Games” in the April 30, 2002 issue of *Meridiano*, but the author of the material was not identified as required by the plain language of this regulatory criterion. The petitioner’s initial submission also included a five-sentence article by [REDACTED] entitled “International Match IDPA,” but the name and date of the publication in which the article appeared were not provided. Further, the preceding three articles were not primarily about the petitioner and only mention his name in passing. The plain language of this regulatory criterion, however, requires that the published material be “about the alien.”

In response to the director’s RFE, the petitioner submitted an affidavit from [REDACTED] stating:

² 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.

1. I am a United States citizen and I have lived in Valencia, Venezuela for approximately 24 years from 1969 to 1993;
2. That I have personal knowledge of the newspapers such as “Meridiano” “El Diario” are national newspapers having a large circulation in Venezuela.

█ affidavit does not identify or provide the source of her circulation information. Nor does █ affidavit explain how living in Valencia, Venezuela from 1969 to 1993 gives her direct personal knowledge of the circulation of Venezuelan publications subsequent to 1993. We further note that there is no evidence in the record showing that an article about the petitioner was published in *El Diario*. With regard to █ opinions as expressed in her affidavit, the regulation at 8 C.F.R. § 103.2(b)(2) provides:

Submitting secondary evidence and affidavits. (i) General. The non-existence or other unavailability of required evidence creates a presumption of ineligibility. If a required document, such as a birth or marriage certificate, does not exist or cannot be obtained, an applicant or petitioner must demonstrate this and submit secondary evidence, such as church or school records, pertinent to the facts at issue. If secondary evidence also does not exist or cannot be obtained, the applicant or petitioner must demonstrate the unavailability of both the required document and relevant secondary evidence, and submit two or more affidavits, sworn to or affirmed by persons who are not parties to the petition who have direct personal knowledge of the event and circumstances. Secondary evidence must overcome the unavailability of primary evidence, and affidavits must overcome the unavailability of both primary and secondary evidence.

In this instance, the petitioner has not “overcome the unavailability of both primary and secondary evidence” showing *Meridiano*’s circulation in Venezuela. As stated above, the nonexistence or other unavailability of primary evidence creates a presumption of ineligibility. *Id.* Even if the petitioner were able to demonstrate that circulation information for *Meridiano* does not exist or cannot be obtained, which he has not, the regulation at 8 C.F.R. § 103.2(b)(2) requires “two or more affidavits, sworn to or affirmed by persons who are not parties to the petition who have direct personal knowledge” of this issue. Furthermore, notwithstanding the regulatory requirements at 8 C.F.R. § 103.2(b)(2), the statute and regulations governing the classification sought by the petitioner require him to submit “extensive documentation” demonstrating his sustained national or international acclaim. *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). Accordingly, the affidavit from █ does not establish that *Meridiano* qualifies as a form of major media.

In this case, there is no objective evidence (such as circulation statistics) showing that the publications mentioning the petitioner qualify as professional or major trade publications or some other form of major media. Even if the petitioner were to submit objective evidence demonstrating that those publications qualify as major media, as discussed, the material submitted by the petitioner does not meet the remaining elements of this regulatory criterion. Finally, aside from the aforementioned deficiencies, we cannot ignore the lack of evidence for this regulatory criterion from

May 2002 to the petition's filing date. As previously noted, the statute and regulations require the petitioner to demonstrate that his 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).

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

The petitioner submitted several recommendation letters.

██████████ Ministry of Defense, Politechnique Experimental University of the Armed Forces, Caracas Branch, states that the petitioner was "an outstanding participant in the weapons sports."

██████████ (Retired), United States Marine Corps, states:

[The petitioner and I] were in the same Shooting Team, sharing good times and winning championships during the period that I lived in Venezuela.

During the time being shooters mates from the early 90's, we get a lot of awards and medals in most of our participations. [The petitioner] was an example of moral, loyalty and teaching for me and the rest of the team as well.

states: "[The petitioner] and I were members of the same shooting team for about six years, and friends since 1989. Always working hard to win any competition, national or international championship. [The petitioner] has always showed incredible ability and professionalism in his field"

██████████, Captain, Venezuelan Army, who served with the petitioner, states: "[The petitioner] has always showed incredible ability and professionalism in his field and has gained a great reputation and high recognition throughout Venezuela as a good person and incredible champion shooter."

██████████ states: "During the time being shooters mates from the mid 90's, [the petitioner and I] had the opportunity to be Chief of our Military Shooting Team, sharing good time and good moments, getting a lot of awards and medals in most of our participations."

Chief of Training, National Police, Rio de Janeiro, Brazil, states:

[The petitioner] is a friend of mine since 1996, we worked together in training course in Brazil four years ago to the National Police Department of Rio de Janeiro. Three weeks of intense training with excellent results for our Department.

He has always been in the top ranking police shooting, and he has showed incredible professionalism and respect for everyone.

We acknowledge the petitioner's submission of the preceding reference letters from various individuals praising his talent in shooting and discussing his training and experience. Talent and activity in one's field, however, are not necessarily indicative of original contributions of major significance. Several of the reference letters mention the petitioner's success in shooting competition, but this evidence has already been addressed under the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i). Here it should be emphasized that the regulatory criteria are separate and distinct from one another. Because separate criteria exist for competitive awards and original contributions of major significance, USCIS clearly does not view these criteria 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. In this case, the record lacks evidence showing that the petitioner has made original contributions that have significantly influenced or impacted his field.

With regard to the petitioner's achievements as a competitor and an instructor, the reference letters do not specify exactly what his original contributions in shooting have been, nor is there an explanation indicating how any such contributions were of major significance in his 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 may have helped those under his tutelage improve their shooting skills, the documentation submitted by him does not establish that he has made original athletic contributions of major significance in the field. For example, the record does not indicate the extent of the petitioner's influence on other shooters nationally or internationally, nor does it show that the field has somehow changed as a result of his work so as to demonstrate the petitioner's significant contribution to his field.

In this case, the reference letters submitted by the petitioner are not sufficient to meet this criterion. These letters, while not without weight, cannot form the cornerstone of a successful extraordinary ability claim. 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 that one would expect of a shooting competitor or an instructor who has sustained national or international acclaim. 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 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.

On appeal, counsel argues that the petitioner has performed in a leading role for "elite organizations" including Argos Group LLC, the Emergency Management and Rescue Team in Venezuela, the Venezuelan Shooting Federation, the Venezuelan Armed Forces, Alpha Tactical, the National Rifle Association, the Isla Margarita Police Department, Surefire Law Enforcement, the Metropolitan Police Department, the Venezuelan Department of Defense, and the National Police Department of Rio de Janeiro. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1, 3 n.2 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). There is no supporting evidence showing that the organizations for which the petitioner taught, served, or competed had distinguished reputations. Further, while the record includes brief letters from representatives of the Venezuelan Shooting Federation, Argos Group LLC, Alpha Tactical, the National Police of Rio de Janeiro, and members of the Venezuelan Armed Forces, the limited content in their letters is not sufficient to demonstrate that the petitioner's role for the preceding organizations was leading or critical. The letters lack information regarding the specific nature of the petitioner's role and how his role differentiated him from the other individuals in the organizations. In this case, the documentation submitted by the petitioner does not establish that he was responsible for the success or standing of the preceding organizations 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.

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 in shooting 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 2002.

On appeal, counsel argues that the recommendation letters submitted by the petitioner should be considered as comparable evidence of his extraordinary ability. 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. We note that the petitioner’s recommendation letters have already been addressed under the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(v). While recommendation letters can provide useful information about an alien’s qualifications or help in assigning weight to certain evidence, such letters are not comparable to extensive evidence of the alien’s achievements and recognition as required by the statute and regulations. The nonexistence of required evidence creates a presumption of ineligibility. 8 C.F.R. § 103.2(b)(2)(i). The classification sought requires “extensive documentation” of sustained national or international acclaim. *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). The commentary for the proposed regulations implementing the statute provide that the “intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required” for lesser classifications. 56 Fed. Reg. 30703, 30704 (July 5, 1991). Primary evidence of achievements and recognition is of far greater probative value than opinion statements from individuals selected by the petitioner.

The director also found that the petitioner 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 an April 13, 2007 “Statement of Intent” stating:

I am an accomplished professional shooter

* * *

I will continue my profession by representing the United States in various national/international championships in the sport of shooting. I will also impart my knowledge/skills and train individuals in the sport so that they can represent the United States at the highest level.

The content of the petitioner's brief statement does not provide sufficient information detailing his plans for continuing his work as a professional shooter in the United States. For example, the petitioner does not specify the national or international shooting competitions in which he intends to compete or the organizations that have expressed an interest in hiring him as shooting instructor or coach. Further, we cannot ignore the existence in the record of a December 8, 2006 letter from NCM Supplies, a manufacturer and supplier of telecommunications products,³ stating: "The petitioner] has been working in this company as an International Sales Manager since July 15, 2001, showing to be a diligent and responsible person fulfilling his duties. Monthly Salary is \$2,175.00 plus bonus." The director's decision noted that "the petitioner has been employed in the United States but not as a shooter." The petitioner's employment as a Sales Manager with NCM Supplies in Miami is not clear evidence that he is coming to the United States to continue to work as a professional shooter. 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. On appeal, the petitioner does not contest the director's findings regarding this issue. Accordingly, based on the petitioner's employment in the United States as a Sales Manager and the deficiencies in his April 13, 2007 "Statement of Intent," we concur with the director's determination that the petitioner has not submitted clear evidence that he will continue to work in his area of expertise in the United States.

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.

³ See <http://www.ncmsupplies.com>, accessed on July 23, 2009, copy incorporated into the record of proceeding.