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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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U.S. Citizenship
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Services

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FILE:

[REDACTED]

Office: NEBRASKA SERVICE CENTER

Date:

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IN RE:

Petitioner:

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:

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).

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 she meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

On appeal, the petitioner argues that she 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 he has sustained national or international acclaim at the very top level.

This petition, filed on October 19, 2006, seeks to classify the petitioner as an alien with extraordinary ability as a dance instructor and coach. Regarding her plans for employment in the United States, the petitioner submitted a January 25, 2008 letter from [REDACTED] of the Way Dance Center in Hyannis, Massachusetts confirming its job offer to the petitioner “for a position as a dance teacher and instructor.”

Aside from her activities as a dance instructor and coach, the petitioner’s initial submission included documentation showing that she competed in national and international youth and amateur competitions from the late-1990s to 2003. However, according to Part 6 of the Form I-140, Immigrant Petition for Alien Worker, and the letter from the Way Dance Center, the petitioner is seeking work in the United States as a dance instructor, teacher, and coach rather than as a competitive dancer. Subsequent to 2003, there is no evidence indicating that the petitioner, age 26 at the time of filing, has remained active as a dance competitor at the national or international level.¹ The statute and regulations require the petitioner’s national or international acclaim to be *sustained* and that she seeks to continue work in her area of expertise in the United States. See sections 203(b)(1)(A)(i) and (ii) of the Act, 8 U.S.C. §§ 1153(b)(1)(A)(i) and (ii), and 8 C.F.R. §§ 204.5(h)(3) and (5). While a competitive dancer and a coach certainly share knowledge of dancing, they rely on very different sets of basic skills. Thus, competitive athletics and coaching are not the same area of expertise. This interpretation has been upheld in Federal Court. In *Lee v. I.N.S.*, 237 F. Supp. 2d 914 (N.D. Ill. 2002), the court stated:

It is reasonable to interpret continuing to work in one’s “area of extraordinary ability” as working in the same profession in which one has extraordinary ability, not necessarily in any profession in that field. For example, Lee’s extraordinary ability as a baseball player does not imply that he also has extraordinary ability in all positions or professions in the baseball industry such as a manager, umpire or coach.

Id. at 918. The court noted a consistent history in this area. In the present matter, there is no evidence showing that the petitioner has sustained national or international acclaim through achievements as a dancing competitor since her arrival in the United States or that she intends to compete in this country. The evidence is clear that the petitioner intends to work as a dance instructor and coach. While the petitioner’s accomplishments as a competitor are not completely irrelevant and will be given some consideration, ultimately she must satisfy the regulation at 8 C.F.R. § 204.5(h)(3) through her achievements as a dance instructor and coach.

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

¹ The petitioner’s response to the director’s request for evidence indicated that she competed in one competition in 2006.

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.²

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. Diploma from the Austrian Dance Sport Federation stating that the petitioner won second place in the Latin category at the Vienna Open (2003).
2. Certificate from the Bulgarian Dance Sport Federation stating that the petitioner won second place in the Amateur Latin category at the “Blagoevgrad 2002” National Tournament for the “Bulgaria” Cup (May 24, 2002).
3. Certificate from the Bulgarian Dance Sport Federation stating that the petitioner won second place in the Amateur Ten Dances category at the Republican Championship of Sport Dances (March 28, 2001).
4. Certificate from the Bulgarian Dance Sport Federation and the Municipality of the Town of Gabrovo stating that the petitioner won first place in the Amateur Latin category at the Sport Dance Tournament for the “Gabrovo 2001” Cup (May 19, 2001).
5. Certificate from the Bulgarian Dance Sport Federation stating that the petitioner won first place in the Amateur Latin category at the “Rousse 2001” National Tournament (June 2001).
6. Certificate from the Bulgarian Dance Sport Federation stating that the petitioner won first place in the Sport Dances category at the “Rousse 2002” National Tournament (June 2002).
7. Certificate from the Bulgarian Dance Sport Federation and the Municipality of the Town of Haskovo stating that the petitioner won first place in the Amateur Latin category at the Republican Championship of Sport Dances Haskovo (1997).
8. Certificate from the Bulgarian Dance Sport Federation and the Municipality of the Town of Varna stating that the petitioner won first place in the Amateur Ten Dances category at the “Varna 2002” International Dance Sport Championship (June 15, 2002).
9. Diploma from the French Dance Sport Federation stating that the petitioner won second place at the European Ten Dance Festival (July 30, 2000).
10. Certificate from the Bulgarian Dance Sport Federation and the Municipality of the Town of Rousse stating that the petitioner won first place in the Amateur Latin category at the Republican Championship (2002).
11. Certificate from the Bulgarian Dance Sport Federation and the Municipality of the Town of Bourgas stating that the petitioner won first place in the Amateur Latin category at the Republican Championship (August 7, 2001).

²The petitioner does not claim to meet or submit evidence relating to the criteria not discussed in this decision.

12. Certificate from the Bulgarian Dance Sport Federation and the Municipality of the Town of Varna stating that the petitioner won first place in the Latin category at the International Dance Sport Championship (February 10, 2002).
13. Certificate stating that the petitioner won second place in the Amateur Latin category at the National Sport Dances Tournament “Masters Gala 2001” (2001).
14. Diploma from the Romanian Dance Sport Federation stating that the petitioner won second place in the Latin category at the International Dance Festival – Bucharest (2000).
15. Diploma stating that the petitioner won first place in the Amateur Latin category at the 9th National Sport Dances Tournament “Harmonia 2002” for the “Sofia” Cup (February 2002).
16. Certificate from the Bulgarian Dance Sport Federation and the Sport Dance Club “Siana Dance” stating that the petitioner won second place in the Amateur Latin category at the Plovdiv National Tournament for the “Bulgaria” Cup.
17. Gold medal from the International Dance Championship (2002).
18. Gold medal from the Bulgarian Latin Open (2004).
19. Silver medals from the Bulgarian Republican Championship – Amateur Ten Dances (2001).
20. Gold medal from the Bulgarian National Championship – Youth Category (1998).
21. Certificate from the Bulgarian Dance Sport Federation and the Sport Dance Club “Paradise Dance” in Plovdiv stating that the petitioner won first place in the Championship for Sport Dances – Plovdiv (May 25, 2002).
22. Diploma stating that the petitioner won first place at the European Ten Dance Festival in Germany (2006).

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 petitioner’s awards were not certified by the translator as required by the regulation. Further, the record does not include supporting evidence demonstrating the significance and magnitude of the preceding competitions. 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 petitioner’s awards had a significant level of recognition beyond the competitive events where they were presented.

Nevertheless, there is no evidence indicating that the petitioner has competed or intends to continue competing as dancer in the United States. As discussed previously, the statute and regulations require the petitioner’s national or international acclaim to be *sustained* and that she seeks to continue work in her area of expertise in the United States. *See* sections 203(b)(1)(A)(i) and (ii) of the Act, 8 U.S.C. §§ 1153(b)(1)(A)(i) and (ii), and 8 C.F.R. §§ 204.5(h)(3) and (5). While the petitioner’s awards as a competitive athlete are not completely irrelevant and will be given some consideration, ultimately she must satisfy the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i) through her achievements as a

dancing coach and an instructor. Accordingly, competitive dance awards won by the petitioner cannot serve to meet this regulatory criterion.

Nationally or internationally recognized prizes or awards won by competitive dancers coached primarily by the petitioner, however, can be considered for this criterion. In that regard, the petitioner submitted a certification from [REDACTED] Senior Coach, Dance Club "Daga," stating:

It is to certify that [the petitioner] has worked as a probationer-coach of Dance Club "Daga."

She trained three groups of children according to their age:

- From six to nine years old children
- From eleven to thirteen years juniors
- From thirteen to fifteen years teenagers

[The petitioner] has successfully passed all theoretical and practical examinations connected with this.

The petitioner also submitted a document she prepared entitled "List with achievements of [the petitioner's] students under 13 years" stating: [REDACTED] [and] [REDACTED] – 1st place International dance sport Championship 10 dances for children – Albena 2003, 1st place Vienna Open." In support of this statement, the petitioner submitted a letter from [REDACTED] stating: "At the moment her couple is the National Team of Bulgaria and is the first in the Rank list for year 2003 youth category." The petitioner also submitted a certification from [REDACTED], President of Judges Collegial of the Bulgarian Dance Sport Federation, stating: "[The petitioner] is a main teacher of the best Bulgarian couple [REDACTED] and [REDACTED] which get 1st place in Vienna Open 2004."⁴

The record, however, does not include primary evidence of [REDACTED] and [REDACTED] first place award from the Vienna Open or supporting evidence showing that their award is nationally or internationally recognized. 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)). 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). Rather than submitting primary evidence of the award from the Vienna Open competition organizers, the petitioner instead submitted a letter from [REDACTED] claiming that the petitioner's students won first place. [REDACTED] statement that [REDACTED] and [REDACTED] won first place at the Vienna Open in 2004 contradicts the document prepared by the petitioner stating that they won first place at the Vienna Open in 2003. 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

³ This letter identifies [REDACTED] as "Chief Coach" of Dance Club "Daga."

⁴ The record contains no evidence identifying the specific dates of this dance couple's tutelage by the petitioner.

the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

With regard to awards won by the petitioner and her students in amateur or youth dancing competitions, we cannot conclude that such successes demonstrate that she “is one of that small percentage who have risen to the very top of the field of endeavor.” See 8 C.F.R. § 204.5(h)(2). There is no indication that the petitioner or her students faced competition from throughout their field (including professionals), rather than limited to their approximate age group or skill level within that field. USCIS has long held that even athletes performing at the major league level do not automatically meet the “extraordinary ability” standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Commr. 1994); 56 Fed. Reg. at 60899.⁵ Likewise, it does not follow that a dancer or coach who has had past success competing and coaching at the youth or amateur level should necessarily qualify for an extraordinary ability employment-based immigrant visa. To find otherwise would contravene the regulatory requirement at 8 C.F.R. § 204.5(h)(2) that this visa category be reserved for “that small percentage of individuals that have risen to the very top of their field of endeavor.”

In this case, there is no evidence showing that the petitioner or top athletes coached primarily by her have won nationally or internationally recognized prizes or awards. Accordingly, 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.

⁵ While we acknowledge that a district court’s decision is not binding precedent, we note that in *Matter of Racine*, 1995 WL 153319 at *4 (N.D. Ill. Feb. 16, 1995), the Court stated:

[T]he plain reading of the statute suggests that the appropriate field of comparison is not a comparison of Racine’s ability with that of all the hockey players at all levels of play; but rather, Racine’s ability as a professional hockey player within the NHL. This interpretation is consistent with at least one other court in this district, *Grimson v. INS*, No. 93 C 3354, (N.D. Ill. September 9, 1993), and the definition of the term 8 C.F.R. § 204.5(h)(2), and the discussion set forth in the preamble at 56 Fed. Reg. 60898-99.

Although the present case arose within the jurisdiction of another federal judicial district and circuit, the court’s reasoning indicates that USCIS’ interpretation of the regulation at 8 C.F.R. § 204.5(h)(2) is reasonable.

The petitioner submitted evidence showing that she is a member of the Dance Club “Daga” and the Bulgarian Dance Sport Federation. The record, however, does not include evidence (such as membership bylaws or official admission requirements) showing that the preceding organizations require 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 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 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.⁶

The petitioner submitted articles published in *Star Zagora’s News*, *For the Woman*, *Novinar*, and *Dance*. The English language translations accompanying these articles were not certified by the translator as required by the regulation at 8 C.F.R. § 103.2(b)(3). Further, the article in the June 2003 issue of *Novinar*, the article in the August 2003 issue of *Dance*, and the article entitled “Are You Ready?” were not about the petitioner.⁷ The plain language of this regulatory criterion, however, requires that the published material be “about the alien.” Nor is there evidence (such as circulation statistics) showing that the preceding publications qualify as professional or major trade publications or some other form of major media.

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

⁶ 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.

⁷ With regard to the article entitled “Are You Ready?,” the petitioner did not identify the author, the name of the publication, and its date.

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, judging a national competition for professional dancers is of far greater probative value than judging a local competition for youth or novices.

The petitioner submitted a certification from [REDACTED], President of the Bulgarian Dance Sport Federation, stating:

It is to certify that during the period from 2003 to 2004 [the petitioner] has worked as a judge in the competitions and championships for children and juniors:

[REDACTED] 06.05.2003 – to twelve years old children
[REDACTED] 27.04.2003 – to fourteen years old children
[REDACTED] 12.01.2003 – to twelve years old children
[REDACTED] 25.10.2004 – to twelve years old children

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." We cannot conclude that judging children age fourteen and younger, who have not yet begun competing professionally, meets the requirements of this regulatory criterion. Further, there is no supporting evidence establishing the level of acclaim associated with judging at these youth competitions. Nor is there evidence showing the specific competitive dance categories evaluated by the petitioner, the names of the participating dancers, and their level of expertise. Without evidence showing, for example, that the petitioner's activities involved evaluating experienced professional dancers at the national or international level or were otherwise consistent with national or international acclaim, we cannot conclude that she meets this criterion.

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

We acknowledge the petitioner's submission of reference letters from various individuals praising her talents as a competitor and an instructor. Talent in one's field, however, is not necessarily indicative of original contributions of major significance. The petitioner's dance victories as mentioned in the reference letters have 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 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 athletic or artistic contributions that have significantly influenced or impacted her field.

With regard to the petitioner's coaching and athletic achievements, the reference letters do not specify exactly what her original contributions in dance have been, nor is there an explanation indicating how any such contributions were of major significance in her sport. 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 various youth dancers with their skills and training, there is no evidence demonstrating that the petitioner has developed original training techniques, as opposed to methodologies passed down from her own tutelage in the sport. Further, even if the techniques taught by the petitioner were found to be original, there is no evidence showing that these techniques were of major significance in the field. For example, there is no evidence indicating that the petitioner's training techniques have been widely adopted throughout the sport or have significantly influenced other dancers, coaches, and instructors. The petitioner's improvement of the skills of amateur and youth dancers under her tutelage does not equate to original contributions of major significance in the field consistent with sustained national or international acclaim.

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 dancer 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 her sport, or has otherwise risen to the level of original contributions of major significance, we cannot conclude 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.

The petitioner submitted a letter and a certification from [REDACTED] stating that the petitioner worked as a “probationer-coach” for the children’s dance school of Dance Club “Daga.” The record, however, does not include evidence showing that this organization has a distinguished reputation. Further, the record lacks evidence demonstrating the leading or critical nature of the petitioner’s role for the club. The documentation submitted by the petitioner does not establish that she was responsible for the club’s success or standing to a degree consistent with the meaning of “leading or critical role” and indicative of sustained national or international acclaim. Accordingly, 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.

In response to the director’s request for evidence, the petitioner submitted an undated letter from [REDACTED] stating that the petitioner earned an annual salary of “50,000 BG levs” working for Dance Club “Daga.” 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 earnings were significantly high in relation to others in the 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.