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

U.S. Citizenship  
and Immigration  
Services

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Office: NEBRASKA SERVICE CENTER

Date:

JUN 05 2009

IN RE:

Petitioner:

Beneficiary:

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

ON BEHALF OF PETITIONER:

MIAMI, FL 33151

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 the arts. The director determined that the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability. More specifically, the director found that the petitioner had failed to demonstrate receipt of a major, internationally recognized award, or that she meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

On appeal, counsel argues that the petitioner meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3). Counsel indicated on the Form I-290B, Notice of Appeal or Motion, that a brief and/or additional evidence would be submitted to the AAO within 30 days. The appeal was filed on May 29, 2008. As of this date, more than one year later, the AAO has received nothing further.

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

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

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

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

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

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

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

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

This petition, filed on December 15, 2006, seeks to classify the petitioner as an alien with extraordinary ability as an artist. 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.<sup>1</sup>

*Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.*

In general, in order for published material to meet this criterion, it must be primarily about the petitioner and, as stated in the regulations, be printed in professional or major trade publications or other major media. To qualify as major media, the publication should have significant national or international distribution. An alien would not earn acclaim at the national level from a local publication. Some newspapers, such as the *New York Times*, nominally serve a particular locality but would qualify as major media because of significant national distribution, unlike small local community papers.<sup>2</sup>

The petitioner submitted articles in *El Norte*, *Milenio: Diario de Monterrey*, *Sierra Madre*, *Las Cumbres*, *Imagenes*, *GP*, *Vida!*, *La Silla*, *ABC Valle Edition*, *El Siglo De Torreon*, and *Intervisionista*. The petitioner also submitted material in *Casa & Estilo International* magazine, but this material was limited to only two sentences and its author was not identified. 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 preceding articles were incomplete and were not certified by the translator as required by the regulation.

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

<sup>2</sup> Even with nationally-circulated newspapers, consideration must be given to the placement of the article. For example, an article that appears in the *Washington Post*, but in a section that is distributed only in Fairfax County, Virginia, for instance, cannot serve to spread an individual's reputation outside of that county.

The petitioner's initial submission included information about *Casa & Estilo International* magazine from its "Online Media Kit" stating that the magazine is "the leading home design and upscale lifestyle magazine in the U.S. Hispanic Market" and that the "publication has a reach of 250,000 readers." The self-serving nature of these claims in the magazine's Online Media Kit is not sufficient to demonstrate that *Casa & Estilo International* qualifies as a form of major media. On appeal, the petitioner submits an unsigned and undated letter from the Director of *Casa & Estilo International* stating that the issue in which the petitioner's work appeared had 40,000 copies in print. This letter was unaccompanied by a certified English language translation as required by the regulation at 8 C.F.R. § 103.2(b)(3). Further, aside from the self-serving nature of the statement from the magazine's director, the information provided fails to demonstrate that this publication qualifies as a form of major media. The record lacks objective circulation information from an independent source showing the ranking of the magazine relative to other national media.

In response to the director's request for evidence, the petitioner submitted information about *El Norte* from *Wikipedia* stating that the newspaper is headquartered in Monterrey and "is the largest newspaper in the north of Mexico." Regarding information from *Wikipedia*, there are no assurances about the reliability of the content from this open, user-edited internet site.<sup>3</sup> See *Lamilem Badasa v. Michael Mukasey*, No. 07-2276 (8<sup>th</sup> Cir. August 29, 2008). Accordingly, we will not assign weight to information for which *Wikipedia* is the only cited source.

In addressing the preceding evidence, the director's decision stated:

The Service advised the petitioner that the articles were not accompanied by certified English translations. The Service requested that for any article the petitioner wished to claim in support of the criterion, she must submit a complete copy of the article along with a literal English translation. The Service also requested evidence that establishes the nature and purpose of each publication including its distribution/circulation. In response, the petitioner provided copies of the articles along with translations/summary translations. The petitioner also provided information regarding *El Norte* and *Arte: A Contemporary Latin Expression*.

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<sup>3</sup> Online content from *Wikipedia* is subject to the following general disclaimer:

WIKIPEDIA MAKES NO GURANTEE OF VALIDITY. *Wikipedia* is an online open-content collaborative encyclopedia, that is, a voluntary association of individuals and groups working to develop a common resource of human knowledge. The structure of the project allows anyone with an Internet connection to alter its content. Please be advised that nothing found here has necessarily been reviewed by people with the expertise required to provide you with complete, accurate or reliable information. . . . *Wikipedia* cannot guarantee the validity of the information found here. The content of any given article may recently have been changed, vandalized or altered by someone whose opinion does not correspond with the state of knowledge in the relevant fields.

See [http://en.wikipedia.org/wiki/Wikipedia:General\\_disclaimer](http://en.wikipedia.org/wiki/Wikipedia:General_disclaimer), accessed on May 28, 2009, copy incorporated into the record of proceeding.

Upon review, many of the newspaper articles pertain to art exhibitions in which the petitioner has participated. However, the Service does not find that the articles satisfy this criterion. Many of the articles appeared in the newspaper publication *El Norte*. This paper is based in Monterrey which also appears to be the petitioner's current residence in Mexico. The information provided indicates that this is the largest newspaper in northern Mexico; however, actual circulation figures were not provided. Regardless, the Service finds that this appears to be more akin to a local or regional newspaper rather than a major media source. It is reasonable to assert that this publication primarily covers local art events hence the coverage of the petitioner's gallery exhibitions. It must also be noted that the petitioner has failed to provide information regarding the other newspapers that carried articles about her exhibitions. In the absence of additional evidence, the record fails to establish that these publications can be considered commensurate with major media. In summary, the evidence fails to establish that the newspaper articles can be considered published material about the petitioner in professional or major trade publications or other major media.

On appeal, the petitioner submits online media information printed from [www.elnorte.com](http://www.elnorte.com) for *El Norte*, *Sierra Madre*, *GP*, *Vida!*, and *La Silla*. On appeal, counsel notes that the circulation information provided from [www.elnorte.com](http://www.elnorte.com) for these publications was certified by Pricewaterhouse Coopers S.C. According to the submitted documentation, the latter four publications appear to be sections or sub-editions of the *El Norte* publication. The information provided states that *El Norte* places "a particular emphasis on the northeastern region of the country." The information also states that *El Norte* has an ordinary press run of 134,771 and a Sunday press run of 186,976. With regard to *Sierra Madre*, the information states that this "section" reports on "social, cultural and community events in San Pedro Garza Garcia" and refers to it as a "communications vehicle for the county's residents." The information also states that *Sierra Madre* has a press run of 17,352 subscribers. In regard to *GP*, the information states that it is aimed at "residents of the suburb of Garza Garcia" and has a press run of 17,352 subscribers. With regard to *Vida!*, the information states that this "section" reports on "the life and customs of Monterrey's people." The information also states that the *Vida!* section of *El Norte* has an ordinary press run of 134,771 and a Sunday press run of 186,976. Finally, in regard to *La Silla*, the information states that this "suburban edition" is "targeted at the south Monterrey community" and has a press run of 12,472.

In this case, aside from the English language translations of the articles being incomplete and not certified by the translator as required by the regulation at 8 C.F.R. § 103.2(b)(3), the record lacks evidence (such as objective circulation information from an independent source) showing the distribution of the preceding publications relative to other national media to demonstrate that the submitted articles were published in professional or major trade publications or some other form of major media.

The petitioner submitted pages from a book published by *Casa & Estilo International* magazine in 2005 entitled *Arte: A Contemporary Latin Expression*. This 265-page book profiles thirty artists and devotes less than ten sentences to the petitioner and her work. The petitioner's artwork appears on pages 125 to

130 of the book. We note that the majority of this book is not about the petitioner and her artwork. In addressing this book, the director's decision stated:

The petitioner . . . provided an excerpt from the book *Arte: A Contemporary Latin Expression*. The petitioner is one of thirty Latin American artists who are profiled in the book. The section relating to the petitioner contains a brief introductory paragraph and several pages of her art work. While being included in such a publication is evidence of some degree of recognition, it is not sufficient to meet this criterion. Most notably, the section regarding the petitioner only includes a brief paragraph that does not provide an in depth discussion of her career and achievements in the field. Further, the record contains no evidence regarding the significance of this publication including the number of copies sold. In the absence of additional evidence, this publication is not sufficient to meet this criterion.

On appeal, the petitioner submits an unsigned and undated letter from the Director of *Casa & Estilo International* stating that the book had 10,000 copies in print and a present distribution of 8,250 copies. As discussed, this letter was unaccompanied by a certified English language translation as required by the regulation at 8 C.F.R. § 103.2(b)(3). Further, aside from the self-serving nature of the statement from *Casa & Estilo International's* director, the information provided fails to demonstrate that this book qualifies as a professional or major trade publication or some other form of major media. For example, there is no evidence showing that the book had substantial national or international readership, that the book had significantly higher sales relative to other national art publications, or that the book was otherwise circulated in a manner consistent with sustained national or international acclaim.

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

*Evidence of the 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, judging a national competition involving professional artists is of far greater probative value than judging a local competition involving students or amateurs.

The petitioner submitted a December 1, 2005 letter from  
Communications & Public Affairs for CEMEX, stating:

Vice President of Corporate

[The petitioner] has taken part, for many years, in a series of cultural events in our company. Particularly, [the petitioner] took part in a panel of judges during important painting contests at CEMEX, beginning back in October 1997, when she was a judge, along with a prestigious panel of professional painters, judging participants on the mural contest about “environment protection.” In the October 1999 mural contest the general theme was “say no to drugs” and [the petitioner] was one of the judges again.

In addressing this evidence, the director’s decision stated:

The petitioner has provided a letter that indicates she took part in a panel of judges during painting contests at Cemex. More specifically, in October of 1997, she judged participants on the mural contest about “environment protection.” Subsequently in October of 1999, she judged a mural contest with the theme of “say no to drugs.” While the petitioner’s service as a judge at these events indicates she is valued for her knowledge and expertise, it has not been established that serving in such a capacity has garnered her any recognition consistent with national or international acclaim. The petitioner has not otherwise established the significance of these competitions; the requirements necessary to participate; the criteria utilized to select the judges; etc.

On appeal, the petitioner submits a second letter from [REDACTED] stating:

[The petitioner] is one of the top artists in Monterrey, Mexico. . . . Monterrey’s cultural community is proud of what [the petitioner] has accomplished locally and nationally.

\* \* \*

For this reason, and all of her long and prestigious career, it is my understanding that CEMEX decided to invite [the petitioner] to take part in a panel of judges during painting contests in October 1997 and 1999. She was selected out of a number of renowned artists given her prestigious career as painter.

[The petitioner’s] outstanding work made possible to judge participants on the mural contest about environment protection and the social mural contest regarding our campaign of saying no to drugs. Her work during these contests allowed [the petitioner] a further recognition as a unique Monterrey artist whose interest goes beyond pure artistic painting. . . . These competitions had a deep impact in Monterrey’s society and youth those years.

The limited information in [REDACTED]’s letters does not indicate whether the petitioner judged youth or adult professionals in the CEMEX painting contests. 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 evaluating youth, who have not yet begun

working in the field, meets this requirement. Further, there is no supporting evidence demonstrating the level of acclaim associated with judging the CEMEX contest. Nor is there evidence showing the specific work judged by the petitioner, the names of the individuals she evaluated, their level of artistic expertise, or documentation of her assessments. The absence of contemporaneous evidence of the petitioner's participation as a judge is a significant omission from the record. The benefit sought in the present matter is not the type for which documentation is typically unavailable and the statute specifically requires "extensive documentation" to establish eligibility. See section 203(b)(1)(A)(i) of the Act. The commentary for the proposed regulations implementing this 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). Without substantive evidence showing, for example, that the petitioner has judged experienced professionals in a manner consistent with sustained national or international acclaim at the very top of her field, 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.*

In response to the director's request for evidence, the petitioner submitted a letter of support from Art Dealer, Collection Privee Art Gallery, who states that she is the petitioner's art dealer in Florida. \_\_\_\_\_ letter praises the petitioner's talent as a painter and states that her works range in price from \$6000 to \$10,000. Artistic talent and positioning one's artwork for sale, however, are not necessarily indicative of original artistic contributions of major significance. The record lacks evidence showing that the petitioner has made original artistic contributions that have significantly influenced or impacted her field.

In addressing the petitioner's evidence for this criterion, the director's decision stated:

As evidence in support of this criterion, the petitioner references a letter submitted from an art critic and her appearance in *Arte: A Contemporary Latin Expression*. However, this evidence is not sufficient to meet this criterion. The mere fact that the petitioner is actively painting and exhibiting her works is not an original contribution of major significance to the field. The record in the immediate case does not establish that the petitioner has otherwise introduced any new techniques, methodologies, or styles that have been recognized and adopted by others and which have significantly impacted the field.

We concur with the director's findings. With regard to the petitioner's artwork being included in *Arte: A Contemporary Latin Expression*, this evidence has already been addressed under the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(iii). Here it should be emphasized that the regulatory criteria are separate and distinct from one another. Because separate criteria exist for published material 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.

On appeal, the petitioner submits a letter from [REDACTED], President, artedemundo.com, stating:

[The petitioner's] work has the balance between technique and her visionary and creative approach. It has a purpose. The beauty and peace as sublime realms. Her paintings['] prices are due to this particular balance, the collectors' demand of her of her works here in Mexico and abroad, the galleries that represent her exclusively and the world renowned artists that accompanied her in these galleries; and also her professional career of more than eighteen years of sustained work in the arts.

The evidence submitted by the petitioner does not establish that her artistic achievements constitute original contributions of major significance in contemporary art. 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's artwork has earned the admiration of the Monterrey arts community and her art dealers, there is nothing to demonstrate that her work has had major significance in the field at large. For example, the record does not indicate the extent of the petitioner's influence on other artists nationally or internationally, nor does it show that the field has somehow changed as a result of her work.

In this case, the letters of recommendation 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 an artist who has sustained national or international acclaim at the very top of the field. Without extensive documentation showing that the petitioner's work has been unusually influential, highly acclaimed throughout her field, or has otherwise risen to the level of original contributions of major significance, we cannot conclude that she meets this criterion.

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

In addressing the petitioner's evidence for this criterion, the director's decision stated:

The petitioner has provided evidence which indicates she has exhibited her works at numerous galleries and events in Mexico, Canada, Japan, the United States, etc. The petitioner specifically references her exhibits at Collection Privee located in Miami Beach, FL; Promo-Arte in Tokyo, Japan; Art Works Gallery in Vancouver, BC; Arte AC in Monterrey, Mexico; among others. While the evidence indicates the petitioner has been active in the field, it does not support a finding that the petitioner has achieved sustained national or international acclaim. The fact remains that the petitioner is an artist (painter), it is inherent to her field to display her work not only for others to enjoy but also for promotional and sales purposes. While it appears that many of the galleries can be considered popular and in some instances include work from well-known artists, the record does not establish that the venues are of the stature and prestige that they can be considered the top galleries in the field. Further, while being invited to participate in exhibits such as Amistad at Art Works is an honor and a laudable achievement, it has not been established that the petitioner's exhibitions are so extraordinary that they place her at the pinnacle of the field. Not every event can be considered an exhibition or showcase such that it is indicative or consistent with national or international acclaim.

Upon review, we find the director properly considered the evidence submitted, thoroughly addressed counsel's arguments and appropriately addressed the evidence and arguments in his decision. On appeal, the petitioner does not contest the director's analysis. With regard to the art galleries and university exhibitions in which the petitioner's works were shown, it must be stressed that an artist does not satisfy this criterion simply by arranging for her work to be displayed. All artists who make a living in their field must exhibit their work for sale. In this case, the petitioner has not submitted evidence showing that her paintings have been displayed at significant artistic venues consistent with sustained national or international acclaim at the very top of her field. For example, there is no indication that renowned art museums have consistently displayed her work. Accordingly, we concur with the director's finding that the petitioner does not meet this criterion.

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

In response to the director's request for evidence, counsel states:

The Petitioner/Beneficiary has . . . performed in a "leading or critical role" for organizations or establishments that have a distinguished reputation. The Petitioner/Beneficiary is represented in Florida by the Collection Privee Art Gallery. In addition, the Petitioner/Beneficiary represented the government of Mexico at an Art Exhibit in Vancouver, Canada commemorating the anniversary of the establishment of diplomatic relations between Mexico and Canada.

In addressing the petitioner's evidence for this criterion, the director's decision stated: "The petitioner claims that she has performed in a leading or critical role for Collection Privee Art Gallery and the government of Mexico. However, the petitioner has not explained and demonstrated how she has in fact performed in a leading or critical role for these establishments."

On appeal, the petitioner submits a May 20, 2008 letter from  
Mexican Consulate in Vancouver, British Columbia, stating:

Consul General of the

This is to certify that the Mexican Painter, [the petitioner], was one of the five artist participants who represented Mexico in the art exhibit "Amistad" (Friendship) which took place from October 18 to November 15 of the year 2004 at the *Art Works Gallery* in the city of Vancouver to commemorate the 60<sup>th</sup> Anniversary of the establishment of diplomatic relations between Mexico and Canada.

[The petitioner] was the only artist who came from Mexico for this exhibition due to it was taken into consideration that her work was a faithful representative of the contemporary art of our country.

In addressing this evidence, counsel states: "The [petitioner] was chosen by the Mexican Government to be an international an international artistic representative to Canada. Representing one's own country is a high honor that cannot be surpassed."

We cannot conclude that the petitioner's one-time participation in an exhibit at the Art Works Gallery is tantamount to a leading or critical role for the government of Mexico. The display of the petitioner's work by the Collection Privee Art Gallery in Florida and the Art Works Gallery in Vancouver has already been addressed under the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(vii). While display of the petitioner's artwork has been arranged by the Mexican Consulate in Vancouver and the Collection Privee Art Gallery, there is no supporting evidence showing that these organizations had a distinguished national reputation among arts institutions. Further, there is no evidence demonstrating that the petitioner's role was leading or critical for the Mexican Consulate and the Collection Privee Art Gallery. For example, there is no evidence showing the percentage of sales revenue earned by the petitioner's paintings in comparison to those of the other artists represented by Amira Saadat of Collection Privee Art Gallery. The documentation submitted by the petitioner does not establish that she was responsible for the preceding organizations' success or standing to a degree consistent with the meaning of "leading or critical role" and indicative of sustained national or international acclaim.

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

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

In addressing the petitioner's evidence for this criterion, the director's decision stated: "The petitioner has provided information regarding the pricing, consignment and sale of her art work. However, the petitioner has not demonstrated how her remuneration and the value of her artwork compare to other artists in the field." We concur with the director's finding. The plain language of this regulatory criterion requires the petitioner to submit evidence of a high salary "in relation to others in the field." The petitioner offers no basis for comparison showing that her compensation was

significantly high in relation to others in her field. Accordingly, the petitioner has not established that she meets this criterion.

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

Review of the record does not establish that the petitioner has distinguished herself to such an extent that she may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of her field. The evidence is not persuasive that the petitioner's achievements set her significantly above almost all others in her field at a national or international level. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A) of the Act and the petition may not be approved.

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

**ORDER:** The appeal is dismissed.