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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
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Office: NEBRASKA SERVICE CENTER

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Petitioner: [REDACTED]
Beneficiary: [REDACTED]

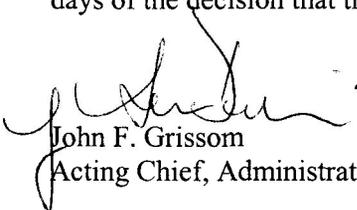
PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

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 on appeal. The appeal will be dismissed.

The petitioner seeks classification of the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability in the sciences. The director determined that the petitioner had not established the beneficiary's sustained national or international acclaim required for classification as an alien of extraordinary ability.

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

(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.

Specific supporting evidence must accompany the petition to document the "sustained national or international acclaim" that the statute requires. 8 C.F.R. § 204.5(h)(3). An alien can establish sustained national or international acclaim through evidence of a "one-time achievement (that is, a major, international recognized award)." *Id.* Absent such an award, an alien can establish the necessary sustained acclaim by meeting at least three of ten other regulatory criteria. *Id.* However, the weight given to evidence submitted to fulfill the criteria at 8 C.F.R. § 204.5(h)(3), or under 8 C.F.R. § 204.5(h)(4), must depend 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). We address the evidence submitted and the petitioner's contentions in the following discussion of the regulatory criteria relevant to the beneficiary's case. The petitioner does not claim that the beneficiary is eligible under any criteria not addressed below.

In this case, the petitioner seeks classification of the beneficiary as an alien with extraordinary ability in the sciences, specifically as a senior clinical research scientist. The petitioner initially submitted supporting documents including letters of recommendation, education degrees, information about the petitioner, articles authored by the beneficiary, grants awarded to the beneficiary, information about her review of articles for

journals, membership information, and citation lists of other articles to the beneficiary's work. In response to a Request for Evidence (RFE) dated March 14, 2008, the petitioner submitted additional letters of recommendation, additional articles authored by the beneficiary and corresponding citations, information about the beneficiary's role in previous employment and information about the job that the beneficiary does for the petitioner.

On May 19, 2008, the director denied the petition, finding that the beneficiary did not meet any of the regulatory criteria for establishing sustained national or international acclaim at 8 C.F.R. § 204.5(h)(3). On appeal, the petitioner argues that the beneficiary meets the criteria at 8 C.F.R. § 204.5(h)(3)(v), (vi), and (viii).

(i) 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 evidence of the beneficiary's receipt of two research grants in 1997 and 1999. We cannot ignore the fact that research funding through competitive grants is inherent to many fields within the basic and applied sciences. Although prestigious grants may indicate the recognized value of the recipient's research, they are not prizes or awards for documented achievements. Rather, they may recognize that the recipient's prior findings support the viability of the proposed research. Instead, research grants simply fund a scientist's work. Every successful scientist engaged in research, of which there are hundreds of thousands, receives funding from somewhere. Obviously the past achievements of the principal investigator are a factor in grant proposals. The funding institution has to be assured that the investigator is capable of performing the proposed research. Nevertheless, a research grant is principally designed to fund future research, and not to honor or recognize past achievement.

The petitioner also submitted evidence that the beneficiary was selected to participate in the Tempus Cortex program in 1993. The information provided about that program states that it is an exchange program for students and those requesting other training. The information does not include the criteria by which participants are chosen. By its terms, this program is restricted to students. The letter from David Birch, research director of the Retina Foundation of the Southwest, states that the Tempus grant is only awarded to "a small percentage of applicants." 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)). Participation in this type of exchange program, which is limited by its terms to student applicants, is not an indication that the beneficiary "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 beneficiary's participation in this program offers no meaningful comparison between her and experienced professionals in the field who have long since completed their academic studies.

Even if either the grants or the exchange program amounted to awards under this criterion, they date from 1993, 1997, and 1999, eight years prior to the filing of this petition so cannot evidence *sustained* acclaim.

For the above reasons, the petitioner has failed to establish that the beneficiary meets this criterion.

(ii) 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, proficiency certifications, standardized test scores, grade point average, recommendations by colleagues or current members, or payment of dues, do not satisfy this criterion as such requirements do not constitute outstanding achievements. Further, the overall prestige of a given association is not determinative; the issue here is membership requirements rather than the association's overall reputation. The petitioner submitted evidence that the beneficiary "was a junior member of the International Society for Clinical Electrophysiology of Vision (ISCEV) for the calendar year of 2004" and that she is currently a member of the Association for Research in Vision and Ophthalmology (ARVO).

The information submitted about junior membership with the ISCEV states that membership is awarded to anyone "engaged in supervised science or clinical training" and are accepted for membership with proof of their position as a researcher or other supervised scientist and does not state that membership is predicated on outstanding achievement in the field. The letter about the beneficiary's membership indicates that she no longer is a member of the ISCEV. This criterion requires that the petitioner show that the beneficiary's membership is current, so this evidence would not demonstrate the beneficiary's eligibility under this criterion even if the ISCEV required outstanding achievement as a prerequisite for membership.

The letter from Barbara Hollis, director of member services for ARVO, states that membership is available to persons who have demonstrated a serious interest in visual science or have made "significant contributions to visual science." The letter states that the interest or contribution may be demonstrated through publications, attendance at conferences, research, or other activity in visual science. This information does not state that membership is predicated upon outstanding achievement in the field. In addition, the letter states that membership applications are judged by the Board of Trustees. No evidence was submitted to show that the Trustees are nationally or internationally recognized experts in the field. We note that this organization has 11,000 members, which is not indicative of an organization that limits its membership only to those who have made an outstanding achievement in the field.

For all of the above listed reasons, the petitioner failed to establish that the beneficiary meets this criterion.

(iii) 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 beneficiary and, as stated in the regulation, 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.¹ In response to the RFE, counsel

¹ 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.

claims eligibility of the beneficiary under this criterion by virtue of the reference to her research in other scholarly articles. These articles are not primarily about the beneficiary or her work, but instead the articles' authors use the beneficiary's work to support their own findings. These citations will be considered in greater depth in the discussion below of 8 C.F.R. § 204.5(h)(3)(vi).

For all of the above stated reasons, the petitioner has failed to show that the beneficiary meets this criterion.

(iv) 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 petitioner claims that the beneficiary is eligible under this criterion by supervising and teaching graduate students at the Budapest University of Technology and Economics (BUTE), supervising students at the Retina Foundation of The Southwest, and overseeing junior scientists who work for the petitioner. The weight given to evidence submitted to fulfill the criterion at 8 C.F.R. § 204.5(h)(3)(iv) 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). The letter from [REDACTED] states that the beneficiary "serves as a reviewer of the work of others for [the petitioner]. More specifically, she has been teaching and training Clinical Research Associates on the anatomy and physiology of the eye as well as on the basics of electroretinograms." The letter from Ilana Kovacs also cites the beneficiary's work supervising and teaching Clinical Research Associates with the petitioner. Working as a supervisor inherently involves evaluating the work of those supervised and imparting knowledge of research techniques or other information related to the research upon junior researchers or students. Duties or activities which nominally fall within a given criterion at 8 C.F.R. § 204.5(h)(3) do not demonstrate national or international acclaim if they are inherent to the occupation itself such as a supervisory researcher overseeing the research of junior researchers or students. The petitioner submitted no evidence showing that the beneficiary's role in any of these three laboratories is consistent with sustained national or international acclaim at the very top of the field.

The petitioner also submitted evidence showing that the beneficiary reviewed manuscripts for scientific journals through a February 7, 2006 letter from [REDACTED] which states that the beneficiary "assisted . . . in reviewing papers for the journals Eye and Investigative Ophthalmology and Visual Science while she was a post doctoral fellow." Because peer review is a common feature of the publication process for many scientific journals, service as a peer reviewer will not satisfy this criterion without evidence that the alien served on the editorial board, completed a substantial number of reviews, or has otherwise conducted peer review of other scientists' work in a manner consistent with sustained national or international acclaim. [REDACTED]'s letter does not indicate either that the beneficiary was the requested reviewer or that she reviewed a substantial number of articles.

Accordingly, the petitioner has failed to establish that the beneficiary meets this criterion.

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

While the beneficiary's research is no doubt of value, it can be argued that any research must be shown to be original and present some benefit if it is to receive funding and attention from the scientific community. It

does not follow that every researcher who performs original research that adds to the general pool of knowledge has inherently made a contribution of major significance to the field as a whole. The beneficiary's field, like most science, is research-driven, and there would be little point in publishing research that did not add to the general pool of knowledge in the field. According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), an alien's contributions must be not only original but of major significance. We must presume that the phrase "major significance" is not superfluous and, thus, that it has some meaning. To be considered a contribution of major significance in the field of science, it can be expected that the results would have already been reproduced and confirmed by other experts and applied in their work. Otherwise, it is difficult to gauge the impact of the beneficiary's work.

The petitioner submitted letters of recommendation supporting her claim of eligibility under this criterion. The opinions of experts in the field, while not without weight, cannot form the cornerstone of a successful extraordinary ability claim. USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Commr. 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796. Thus, the content of the experts' statements and how they became aware of the beneficiary's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence of original contributions of major significance that one would expect of a researcher who has sustained national or international acclaim.

The letter from [REDACTED] states that the beneficiary wrote "several definitive technical and scientific articles that have been published in widely circulated, peer reviewed journals." In addition, [REDACTED] states that the beneficiary "was able to show for the first time that binocular function can improve as measured by pattern reversal Visual Evoked Potential (VEP) even after late surgery in patients with acquired esotropia beyond the end of the classical critical period." The letter from [REDACTED] states that the beneficiary's "innovative research has been fundamental to the current understanding of visual functioning and to advancing sophisticated diagnostic methods of retinal research." [REDACTED] states that the beneficiary "was the first scientist to show that perceptual learning occurs in contour integration, much like texture discrimination and stereoscopic depth perception . . . [and] has also made leading research efforts into the study of macular degeneration." The letter from [REDACTED] professor of neural sciences and psychology at New York University, states that the beneficiary's "research in ophthalmology, specifically in retinal development and electrophysiologic technique has significantly impacted many areas of ophthalmological research. Her extraordinary research work has been responsible for the development of several original, ground-breaking research findings that have advanced the field's knowledge of binocular function, retinal diseases and contour/spatial integration." [REDACTED] states that the beneficiary "showed for the first time that perceptual learning takes place in contour integration similar to other low-level visual tasks such as Vernier acuity, stereoscopic depth perception and texture discrimination and that subjects are able to learn and show improvement in contour integration performance when the practice sessions are extended over several days in contrast to single day sessions." The letter from [REDACTED], a pediatric ophthalmologist, states that the beneficiary "has been responsible for the development of several original, ground-breaking research findings that have advanced the field's knowledge of binocular function, retinal diseases and contour/spatial integration." [REDACTED] states that the beneficiary conducted "the most in-depth and comprehensive case study conducted on [Acute Exudative Polymorphous Vitelliform Maculopathy]," and "co-developed an electrophysiologic technique to test photoreceptor function in the central retina of patients

with age-related macular degeneration.” The letter from [REDACTED], a private physician specializing in retinal disease, states that the beneficiary “showed for the first time that binocular function can improve beyond the end of the classical critical period after late surgery in patients with acquired esotropia as measured by pattern reversal [VEP].” [REDACTED] also states that the beneficiary’s “findings have the potential to open up a field of studies on late maturing visual functions.” The letters from [REDACTED], professor of biomedical engineering and associate director of the laboratory of vision research at Rutgers University, and [REDACTED], head of Reading Centre of Moorfields Eye Hospital, state that the beneficiary’s “research work has been responsible for the development of several original, ground-breaking research findings that have advanced the field’s knowledge of binocular function, retinal diseases and contour/spatial integration.”

The above letters are all from the beneficiary’s collaborators and immediate circle of colleagues. While such letters are important in providing details about the beneficiary’s role in various projects, they cannot by themselves establish the beneficiary’s acclaim beyond her immediate circle of colleagues. The ten regulatory criteria at 8 C.F.R. § 204.5(h)(3) reflect the statutory demand for “extensive documentation” in section 203(b)(1)(A)(i) of the Act. Opinions from witnesses whom the petitioner has selected do not represent extensive documentation. Independent evidence that already existed prior to the preparation of the visa petition package carries greater weight than new materials prepared especially for submission with the petition. The caliber of journals publishing the beneficiary’s work and the number of citations to the beneficiary’s work show that the beneficiary has contributed to the field, but does not demonstrate that the contributions are of major significance as will be discussed in further detail under the discussion of 8 C.F.R. § 204.5(h)(3)(vi).

Accordingly, the petitioner failed to establish that the beneficiary meets this criterion.

(vi) Evidence of the alien’s authorship of scholarly articles in the field, in professional or major trade publications or other major media.

Frequent publication of research findings is inherent to success as an established scientist and does not necessarily indicate the sustained acclaim requisite to classification as an alien with extraordinary ability. Evidence of publications must be accompanied by documentation of consistent citation by independent experts or other proof that the alien’s publications have had a significant impact in his field. The petitioner submitted the following articles that the beneficiary authored: “Persistent Cone Dysfunction in Acute Exudative Polymorphous Vitelliform Maculopathy;” “Phenotypic Characterization of a Large Family With RP10 Autosomal-Dominant Retinitis Pigmentosa: An Asp226Asn Mutation in the *IMPDH1* Gene,” published in the November 2005 *American Journal of Ophthalmology*; “Development of a World-Wide Web based contour integration test: Reliability and validity,” published in the 2006 *Computers in Human Behavior*; “Contour integration in amblyopic monkeys,” published in the 2003 *Visual Neuroscience*; “Effect of Late Surgery for Acquired Esotropia on Visual Evoked Potential,” published in the 2000 *Journal of Pediatric Ophthalmology & Strabismus*; “Late maturation of visual spatial integration in humans,” published in the October 1999 *PNAS*; “Normal and abnormal development of visual functions in children,” published in the 2000 *Acta Biologica Szegediensis*; “Learning only after sleep in a contour integration task,” published in the 2002 *Journal of Vision*; “Central Rod and Cone A-Wave Parameters in Macular Forms of Photoreceptor Degeneration,” published in the 2005 *Investigative Ophthalmology & Visual Science*; and “Effects of disrupting local orientation and position feature on the detection of orientation-defined shape difference,” published in the 2004 *Journal of Vision*. The petitioner also submitted evidence of one article

submission by the beneficiary: “The Relationship Between ERG Measures of Phototransduction Efficiency and Genotype in Retinitis Pigmentosa.” The petitioner also submitted a copy of the beneficiary’s thesis titled “Normal and impaired visual development in children.” The evidence submitted by the petitioner shows that the beneficiary’s work has been cited a total of 45 times, which includes self-citations and citations by co-authors. This number of citations is insufficient to demonstrate that the beneficiary’s work has received sustained national or international acclaim regardless of the quality of the journal publishing the article. The journals’ position as professional or major trade publication or other major media is not in question. In addition, the information contained in the beneficiary’s letters of recommendation indicates that the top level of her profession is at least one step above her current position. The letter from [REDACTED] states that he has authored over 200 articles and the letter from [REDACTED] states that he has authored over 100 articles.

The petitioner also submitted four articles without translation. 8 C.F.R. § 103.2(b)(3) requires that “[a]ny document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which 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.” Without such a translation, we are unable to ascertain the applicability of these articles under this criterion.

As a result, the petitioner failed to demonstrate that the beneficiary meets this criterion.

(vii) Evidence of the display of the alien’s work in the field at artistic exhibitions or showcases.

The petitioner submitted evidence of the beneficiary’s presentations made at scientific conferences. The plain language of this criterion reveals that it relates to the visual arts, such as sculptors and painters, rather than to scientific exhibitions or conferences. The ten criteria in the regulations are designed to cover different areas; not every criterion will apply to every occupation. Regardless, the petitioner submitted no evidence, such as the size of the conferences, the attendees, or the selection criteria for presentations to demonstrate how participating in these conferences conveyed the necessary national or international acclaim required by this highly restrictive classification.

Accordingly, the petitioner failed to establish that the beneficiary meets this criterion.

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

In order to meet this criterion, a petitioner must establish the nature of the alien’s role within the entire organization or establishment and the reputation of the organization or establishment. The petitioner claims eligibility based on the beneficiary’s involvement with itself, Moorfields Eye Hospital, the Laboratory of Vision Research Center for Cognitive Science at Rutgers University, the Retina Foundation of the Southwest, New York University, and the Physiology Department and Ophthalmology Department at the University of Szeged.

The petitioner submitted only scant evidence concerning the Moorfields Eye Hospital, the Retina Foundation of the Southwest, or the beneficiary’s involvement with either entity. The letter from [REDACTED] states that the Moorfields Eye Hospital “is the world’s oldest single specialty eye hospital and one of the most distinguished one still with the largest patient base.” 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 165. The letter from [REDACTED] states that the Retina Foundation of the Southwest “is an internationally-renowned eye research center.” *Id.* The letter from [REDACTED] states that the beneficiary “was an enormous asset to [the] research effort” of the Retina Foundation of the Southwest as a postdoctoral fellow. This information does not demonstrate either that the entities enjoy distinguished reputations as no information was submitted about their standing in the community, rankings by major media, or perception in the community or how the beneficiary performed in a leading or critical role as she served in a subordinate role as a junior researcher or postdoctoral fellow.

The information submitted about the beneficiary’s role with the Laboratory of Vision Research Center for Cognitive Science at Rutgers University, New York University, and the Physiology Department and Ophthalmology Department at the University of Szeged indicate that the beneficiary participated as a student under the supervision of other senior researchers or professors. The letter from [REDACTED] states that the beneficiary “participat[ed] in a joint research project with the Physiology Department and the Ophthalmology Department at the University of Szeged” and New York University. During that project, the beneficiary “showed for the first time that binocular function can improve beyond the end of the classical critical period after late surgery in patients with acquired esotropia as measured by pattern reversal [VEP].” The letters from [REDACTED] and [REDACTED] also laud the beneficiary’s discoveries while with the University of Szeged. [REDACTED] stated that the beneficiary’s work as a postdoctoral fellow at Rutgers University yielded several test results and “a web-based version of the contour integration task that has the potential for application in clinical studies and would allow centralized data collection and standardization of the task across multiple study sites.” [REDACTED] and [REDACTED] state that the beneficiary made several research discoveries while with Rutgers University. While the beneficiary performed admirably on the research projects to which she was assigned, there is no evidence showing that her role as a “postdoctoral fellow” was leading or critical for these departments. This subordinate role is designed to provide temporary research training for a future professional career in the field of endeavor. There is no evidence demonstrating how the beneficiary’s role differentiated her from the other researchers in the departments where she worked, let alone more senior faculty (including tenured professors). The documentation submitted by the petitioner does not establish that the beneficiary was responsible for the preceding departments’ success or standing to a degree consistent with the meaning of “leading or critical role” and indicative of sustained national or international acclaim.

The information submitted about the petitioner’s organization does not come from outside sources. The petitioner submitted its 2005 Annual Report which demonstrates that it is a highly profitable organization. The letter from [REDACTED] states that the petitioner “is an international leader in the research, development, manufacturing, and marketing of ophthalmic pharmaceuticals, ophthalmic surgical equipment and devices, contact lens care products, and other consumer eye care products that treat diseases and conditions of the eye.” 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 165. The petitioner submitted no objective evidence such as journal rankings, news articles, or other information about the reputation that it enjoys. In addition, the petitioner did not submit evidence that the beneficiary plays a leading or critical role. The letter from [REDACTED] states that the beneficiary “is undoubtedly an invaluable resource” for the petitioner as she is the “original developer of [the] technique” that is used “to study the central retina of patients with age-related macular degeneration.” The letter from [REDACTED] states that the beneficiary “is managing clinical studies from design to completion” for the petitioner. [REDACTED] states that the beneficiary has also been “involved in many training activities that are focused on describing the natural history of specific ocular diseases, defining ophthalmic tests that can be used to quantify disease progression and providing schooling on procedures

required to meet the standards of Good Clinical Practice which are mandated by health regulatory agencies, including the FDA.” The letter from [REDACTED] states that the beneficiary “is designing and conducting clinical studies and is a member of the Clinical Retina group in the Research and Development Division where her expertise in the retina and experience in vision and ophthalmic research is of great value.” Although these letters are complimentary of the beneficiary’s abilities and indicate that she contributes to the research in her group, the letters do not establish that the beneficiary plays a role that is leading or critical for the company as a whole or how her role is different from other senior researchers who work for the petitioner.

Accordingly, the petitioner has failed to establish that the beneficiary meets this criterion.

An immigrant visa will be granted to an alien under section 203(b)(1)(A) of the Act, 8 U.S.C. § 1153(b)(1)(A), only if the alien can establish extraordinary ability through extensive documentation of sustained national or international acclaim demonstrating that the alien has risen to the very top of his or her field. The record in this case does not establish that the beneficiary has achieved sustained national or international acclaim as a researcher placing her at the very top of her field at the time of filing. She is thus ineligible for classification as an alien with extraordinary ability pursuant to section 203(b)(1)(A) of the Act, 8 U.S.C. § 1153(b)(1)(A), and her 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. The petitioner has not sustained that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.