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U.S. Citizenship and Immigration Services  
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Office: NEBRASKA SERVICE CENTER

Date: JUN 16 2009

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

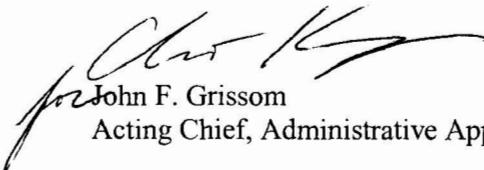
PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:

[REDACTED]  
INSTRUCTIONS:

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

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

  
John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center. The petition 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 business and education. The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

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 to the United States will substantially benefit prospectively the United States.

The 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, 60898-9 (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 has 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 October 30, 2006, seeks to classify the petitioner as an alien with extraordinary ability as an economist. 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.

The petitioner requests oral argument, asserting:

The reason why an oral argument is necessary is that my specialties in economics and finance are so sophisticated that my argument cannot be adequately addressed in writing. In order to make my point clear enough, I have to give a lecture to the AAO using state-of-art multimedia technology (such as laptop, data projector, PowerPoint presentation, and tablet [sic] PC, etc.) just like what I usually do when I attend international conferences or teach college courses.

USCIS has the sole authority to grant or deny a request for oral argument and will grant argument only in cases involving unique factors or issues of law that cannot be adequately addressed in writing. *See* 8 C.F.R. § 103.3(b). In this instance, the petitioner alleges that her field of endeavor is so complicated that she must lecture the AAO using multimedia technology. The petitioner alleges that a lecture involving multimedia is necessary to present her case; however, she has identified no unique factors or issues of law to be resolved. Moreover, she has not indicated how or why the written record of proceedings does not fully represent the facts and issues in this matter. Consequently, the request for oral argument is denied.

The petitioner submitted evidence that, she claims, meets several of the following criteria. A petitioner, however, cannot establish eligibility for this classification merely by submitting evidence that simply relates to at least three of the criteria outlined in 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).

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

In his October 18, 2006 letter accompanying the petition, counsel stated that the petitioner won the First Prize of Fourth National "Challenge Cup" Extracurricular Science and Technology Competition for College Students, "the highest prize in China for students' research." In another letter, also dated October 18, 2006, counsel stated that the petitioner's paper, "On Implementing Agricultural Price Support Policies in Guangdong" won the Third prize of Fourth National 'Challenge Cup' extracurricular science and technology competition for college students in 1994, China." The petitioner submitted a copy of what purports to be a January 5, 1996 certification of the award, which indicated that her paper was written while she was a graduate student in 1993.

However, the translation accompanying the document does not identify the translator, and the translator does not certify that he or she is competent to translate from Chinese into English as required by C.F.R. § 103.2(b)(3). Accordingly, the evidence is not probative and will not be accorded any weight in this proceeding.

In a May 31, 2006 letter, [REDACTED], the George J. Stigler Distinguished Service Professor of Economics at the University of Chicago Graduate School of Business, stated that the petitioner won the Holland “Shell Cup” Best Paper Prize in 1995. The petitioner submitted no documentation corroborating her receipt of this award. Additionally, the petitioner submitted no documentation to establish that either of these awards is nationally or internationally recognized as an award of excellence in her field of endeavor.

In his request for evidence (RFE) dated November 26, 2007, the director advised the petitioner that the record indicates that she won the “Shell Cup” award but did not establish that the award was nationally or internationally recognized. The director did not address any of the other awards allegedly won by the petitioner. In his January 2, 2008 letter accompanying the petitioner’s response to the RFE, counsel reiterated that the petitioner had won the First Prize of Fourth National “Challenge Cup” Extracurricular Science and Technology Competition for College Students. Counsel asserted that “[t]his prize is internationally recognized and academically significant since it was sponsored by Shell Oil Corporation.”

We note that the Shell Cup award and the Challenge Cup appear to be two different awards. Nothing in the record supports counsel’s assertions that the Challenge Cup was sponsored by the Shell Oil Corporation or that the prize is “internationally recognized and academically significant.” Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner’s burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaighena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

In denying the petition, the director stated that the “Challenge Cup” “appears to be limited to college students and so it cannot be considered an award reflective of national acclaim.” The director’s decision did not address any of the other awards allegedly won by the petitioner. On appeal, the petitioner states that the director failed to “even mention the Holland ‘Shell Cup’ Best Paper Prize” that she won. The petitioner asserts that the paper was accepted for presentation at an international conference and that two newspapers published the paper.

Nonetheless, the petitioner submitted no documentation to corroborate that either the Challenge Cup or the Shell Cup are nationally or internationally recognized as awards or prizes for excellence in her field of endeavor. As noted by the director, the First Prize of Fourth National “Challenge Cup” Extracurricular Science and Technology Competition for College Students, by its very title is limited to college students. Academic study is not a field of endeavor, but training for a future field of endeavor. As such, academic scholarships and student awards cannot be considered prizes or awards in the petitioner’s field of endeavor. Competition for student awards

is limited to other students and excludes experienced experts in the field. Thus, student awards cannot establish that a petitioner is one of the very few at the top of her field.

The petitioner has failed to establish 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.*

To demonstrate that membership in an association meets this criterion, the 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 work 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. The overall prestige of a given association is not determinative. The issue is membership requirements rather than the association's overall reputation.

The petitioner submitted documentation indicating that she is a member of the American Economic Association (AEA) and the American Finance Association (AMF). The petitioner, however, submitted no documentation regarding the membership requirements for either of the organizations.

In denying the petition, the director concluded that, as the AMF has over 8,000 members, "membership does not appear to be exclusive." On appeal, the petitioner takes issue with this statement, asserting that members of the organization are "among the top .00012% of the global population." The director's determination as to whether membership of the AMF meets this criterion cannot be based solely on the size of the organization. Nonetheless, the petitioner failed to provide any evidence that either the AMF or the AEA requires outstanding achievements of their members.

The petitioner failed to establish 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.*

The petitioner did not claim and submitted no documentation 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 petitioner submitted a copy of an August 29, 2003 letter from the Graduate School of Zhongshan (Sun Yat-sen) University indicating that the petitioner was editor of economics of the *Journal of The Graduates* (Social Sciences edition) from August 1993 to June 1996, while she pursued her master's degree. In his letter accompanying the petition, counsel asserted that the petitioner had been invited to be a panel reviewer and editor of the journal and that:

All panel reviewers of this journal are distinguished financial experts who are widely acclaimed and respected in the finance field for their expertise and acumen in the field. . . . This honor itself is one of the strongest pieces of evidence that [the petitioner] has become a judge of the works of others in the [same] or allied field of specialization.

Nothing in the record supports counsel's assertions about the qualifications and expertise of those selected as a reviewer for the journal. Counsel's unsupported assertions are not evidence. *See id.* The letter from Zhongshan University stated the *Journal of The Graduates* is an academic journal "for master degree and Ph.D. degree graduate students to publish their research and papers." The petitioner's appointment as editor of a student journal while she herself was a student is not indicative of national or international acclaim in her field.

In response to the RFE, the petitioner submitted a copy of an e-mail dated December 21, 2007 from [REDACTED] of the Department of Economics at the University of Warwick, stating that the petitioner had been a reviewer for "the journal." However, [REDACTED] did not specify the journal, the time frame or any specific review that the petitioner had performed. The petitioner provided a copy of a review that she performed for the journal *Applied Financial Economics* in August 2006. She also submitted copies of four invitations to review manuscripts for the journals *Applied Economics* and *Applied Financial Economics*. The petitioner also provided a copy of one of the reviews that she performed in response to the invitations. However, these invitations were extended to the petitioner, and the reviews performed, after the filing date of the petition on October 30, 2006; therefore they are not evidence of this criterion. A petitioner must establish eligibility at the time of filing; a petition cannot be approved at a future date after the petitioner or beneficiary becomes eligible under a new set of facts. *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971).

The evidence indicates that the petitioner served as editor of a graduate student journal in the early to mid-nineties. The evidence does not indicate that she performed any other review until 10 years later and less than three months prior to the filing of the visa petition. One review in ten years is not consistent with the requisite sustained acclaim.

The petitioner has failed to establish 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.*

The petitioner makes no claim to any specific contribution of major significance to the field of economics or education. She submits several letters from references who state that she is an outstanding young economist whose work will have a great impact on the financial markets. However, none indicate any contribution of major significance made by the petitioner. These references include the following:

██████████, who stated that the petitioner's "paper on the cooperation and union of finance between Hong Kong and Shenzhen," published in 1995, in which she "proposed a theory of the financial deepening in economic development, i.e., mature development of finance can stimulate the development of economy," was endorsed by Nobel laureate economist Joseph Stiglitz in 1998. ██████████ also stated that:

[The petitioner] laid out conditions that, if successfully implemented, would promote extremely rapid growth of the economy of the People's Republic of China. These included the unionization of the Hong Kong dollar and the Yuan and integration of the financial markets of Hong Kong and Shenzhen. Finally, based on reviewing the development model of the financial system of the European Union and comparing it with the financial infrastructure of Hong Kong and Shenzhen, she set forth a plan of action to implement these conditions. She demonstrated remarkable foresight in the paper because the conditions that she specified are precisely the ones that led to China's rapid growth in the decade after she completed her paper.

While ██████████ indicated that the petitioner was foresighted, he did not state that her ideas were specifically endorsed or accepted by the financial or business community, impacted China's economic growth, or otherwise made a major contribution to her field. ██████████ also stated that the petitioner investigated "whether the exchange rate time series system consisting of the Japanese yen and South Korean won is cointegrated," and that:

The economic implication of this result is that the exchange rate systems of Japanese yen and South Korean won are, in the long run, in equilibrium. Such knowledge is crucial to potential investors in the two countries. This is the first empirical study of its kind that I have encountered in the international capital management field. [The petitioner's] research also extends the methodology created by Nobel laureate economist Robert Engle, namely, his two-step approach for modeling cointegrated processes. Moreover, it is the first application of cointegrating econometric analysis to Asian exchange rates. Her study can help investors explore arbitrage opportunity in foreign exchange markets. In my view, her results offer opportunities for American investors to make large gains in Asian foreign exchange markets.

██████████ does not state and provides no evidence that the petitioner's research, while theoretically "crucial" to "potential investors," has been relied upon to such an extent that it can be said that her research was a major contribution to her field of endeavor.

██████████. Dr. ██████████ is a professor of finance at the City University of New York (CUNY) Graduate Center and stated that the petitioner completed her dissertation under his supervision. He further stated that he has "no doubt several papers will be published from this work, and I also think some of these papers will be widely cited." Of her previous research on the Yuan, Dr. ██████████ stated:

Her research conclusion is that the unified exchange rate of yuan is very helpful for removing barriers to Chinese foreign trade and to stimulate foreign capital investment in China, that has played a critical role in the development of the current Chinese economy. This research can be used by international investors to navigate the modern global market.

██████████ conclusions are echoed, word for word, by ██████████, Chair Professor of Scientific Computing at Centre for Scientific Computing, Warwick University. As with Dr. ██████████, however, neither ██████████ nor ██████████ indicate that the financial and economic markets actually utilized the petitioner's research or that her work was instrumental in the development of the Chinese economy, or otherwise made a major contribution to her field.

Dr. ██████████ is the Distinguished Professor of Economics in the Ph.D. Program in Economics at the CUNY. ██████████ stated:

[The petitioner's dissertation] addresses a challenging real world problem: how to accurately interpret the complex nonlinear dynamic behavior of financial time series such as exchange rate and stock price. She has made history by proposing a brand new method of forecasting bond prices and yields. Previous research has concluded that many of these series cannot be modeled as linear Gaussian processes because they exhibit asymmetry, limit cycles, and jumps. She introduced a threshold autoregressive (TAR) estimation method for American treasury notes and Japanese government bonds. The significance of TAR models is that they do not require specific assumptions regarding the distribution and functional form of the series under investigation. This makes the estimation procedure significantly more general and more accurate than those employed by other nonlinear models.

██████████ further stated that:

In my view she makes extremely important theoretical and empirical contributions to the literature in her dissertation. Specifically, [the petitioner] has created nonlinear financial time series analysis measures based on estimated stochastic discount factors. The new approach makes it possible to evaluate

nonlinear patterns of returns resulting from active bond portfolio management and derivatives trading. . . . [The petitioner's] models and theories will make huge contribution to American investors and national welfare.

however, does not state that the petitioner's research and findings, while significant, have already made a major contribution to her field of endeavor. Rather, he only speculates as to the impact it would have on "American investors and national welfare." A visa petition may not be approved based on speculation of future eligibility or after the petitioner or beneficiary becomes eligible under a new set of facts. See *Matter of Michelin Tire Corp.*, 17 I&N Dec. 248 (Reg. Comm. 1978); *Matter of Katigbak*, 14 I&N Dec. at 49.

, Deputy Superintendent, State of New York Banking Department. stated that the petitioner's work as a risk management specialist with the state is "of crucial importance to the U.S. capital markets and banking industry," and that:

[Her] research is a significant contribution to the field of risk management for banks and financial institutions, especially for large and complex banks that operate their business internationally. . . . [The petitioner's] pioneering work equips the U.S. banks and financial institutions with irreplaceable edge to acquire and maintain their leadership in today's highly competitive markets.

further stated that the petitioner's "contribution in this field and to the U.S. economy is hard to match." did not, however, specify any business that had benefited from the petitioner's work or how it benefited. Additionally, while he stated that the petitioner's work was "a significant contribution," he did not state that her work was a major contribution to the field of economics and finance.

Senior Bank Examiner with the Federal Reserve Bank of New York. Dr. stated that the petitioner's "published research entitled Threshold Autoregressive Modeling of Pond Series – Japanese Case . . . is absolutely a breakthrough in the data mining and modeling field based on my over 20 years of experience in this field." described the petitioner's expertise and experience as extraordinary, and stated that her work "is crucially important to the safety and soundness of banking institutions and to the stability of the country's financial system." Chairman of the Chinese Association for Science and Business, also stated that the petitioner's "work plays a very important role in government's debt measurement and management," and that her "research has a huge positive impact on America's government debt management strategies, especially now when the U.S. government has an unparalleled debt deficit to manage." However, neither nor specify how the petitioner's work has actually contributed to her field by, for example, being used by or expanded upon by other economists or financial institutions.

, director of the Weekend College at Queens College. stated that the petitioner's "work in both teaching and research hold much promise (and utility)." As previously discussed, a visa petition may not be approved based on speculation of future

eligibility or after the petitioner or beneficiary becomes eligible under a new set of facts. *See Matter of Katigbak*, 14 I&N Dec. at 49.

The above letters are all from the petitioner's instructors or immediate circle of colleagues. Such letters cannot by themselves establish the petitioner'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. Additionally, while the petitioner's references laud her expertise, none specified any contribution of major significance by the petitioner to her field of endeavor.

On appeal, the petitioner asserts that the 10 research papers, 9 letters of recommendation, and various invitations to participate in research conferences, all indicate that she has made "worldwide contributions of major significance in the field." As discussed above, however, none of the petitioner's references indicate that she made a contribution of major significance to her field. Further, they discuss the petitioner's major research papers and none indicate that, apart from being innovative, the petitioner's work actually made specific contributions of major significance to the field. The petitioner's research papers and conference participation are discussed in more detail below.

The petitioner has failed to establish that she meets this criterion.

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

With the petition, the petitioner submitted copies of what appear to be six articles written in Chinese accompanied by English abstracts of those articles. The petitioner does not provide full translations of the articles; therefore the documentation does not comply with the terms of 8 C.F.R. § 103.2(b)(3), which provides:

*Translations.* Any 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.

The petitioner initially submitted documentation indicating that three abstracts of her papers had been accepted for presentation at international conferences but she submitted no documentation that her articles had been published.

In response to the RFE, the petitioner submitted a copy of one of her articles that was purportedly published in *Investment Management and Financial Innovations* in 2006; a copy of an article that was purportedly published in the February 1994 issue of the *Journal of the*

*Graduates of Zhongshan University (Social Studies)*; and a copy of an article published in March 1994 in the same journal. The petitioner submitted no documentation to establish that either of the journals is a professional or major trade publication or a form of major media. Copies of three papers or abstracts indicate that they were presented at two different forums. Annotations at the end of the documents indicate that they were published in 1994 and 1995; however, the petitioner did not submit copies of these publications and submitted no documentation to verify that these articles appeared in the stated publications.

Eligibility for this visa classification is established through “extensive documentation” of “sustained acclaim.” Section 203(b)(1)(A)(i) of the Act, 8 U.S.C. § 1153(b)(1)(A)(i). With the exception of the article published in 2006, which, according to the credits, is part of the petitioner’s dissertation, all of the other documentation of the petitioner’s scholarly articles is for her work in 1994 and 1995. The petitioner submitted no documentation to establish that she published any work from 1995 to 2006. This lack of published work for a period of 10 years is not evidence of the sustained acclaim required for this petition.

Additionally, although the petitioner’s references state that her research was of importance to the financial markets, the petitioner submitted no documentation to establish that the business or financial community or other economists relied upon her work. While the petitioner and Dr. [REDACTED] stated that the petitioner’s work was endorsed by Nobel laureate economist Joseph Stiglitz, the petitioner submitted no documentation to establish that Stiglitz accorded any specific recognition to her work. The petitioner cannot meet her burden of proof without documentary evidence to support her claim. *See id.*

Evidence of publications must be accompanied by documentation of consistent citation by independent research teams or other proof that the alien’s publications have had a significant impact in her field. On appeal, the petitioner submits a copy of a page from the Social Science Research Network (SSRN) website, which was accessed on May 28, 2008, indicating that eight of her papers appear on the site and have been viewed a total of 79 times. None had been downloaded. Evidence that others have viewed the petitioner’s articles does not, without more, indicate that others relied upon her work or that her work otherwise had a significant impact on the petitioner’s field of endeavor.

The petitioner also labeled the printout as “New Citations” to her papers. To the extent that other individuals viewed her papers after this petition was filed, such evidence cannot be considered. The petitioner must establish her eligibility at the time of filing. *Matter of Katigbak*, 14 I&N Dec. at 49.

The petitioner has failed to establish 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.*

To meet this criterion, the petitioner must show that she performed a leading or critical role for an organization or establishment and that the organization or establishment has a distinguished reputation.

On appeal, the petitioner alleges that her role as a senior risk management specialist “is critically important to [the] New York Banking Department” because she is only one of two modeling specialists in the department. The petitioner submits a December 27, 2007 letter from [REDACTED] a Supervising Risk Management Specialist for the State of New York’s Banking Department’s Capital Markets team. [REDACTED] states that the petitioner’s “knowledge of statistical modeling techniques has been a welcomed addition to our Capital Markets team,” and that as one of two doctoral members on staff, her “knowledge is in constant demand throughout our team.” [REDACTED] letter does not indicate that the petitioner’s role, while valuable, is of a leading or critical nature. Additionally, the petitioner submitted no documentation to establish that the New York Banking Department or the Capital Markets team is an organization with a distinguished reputation.

The petitioner also asserts that her role as an adjunct professor at Queens College is of a critical nature because she has been teaching the courses required for every economics or business major. She asserts that “[w]ithout her teaching contribution, no student who major[s] in economics, accounting, finance, international business or actuarial could graduate with a bachelor/master degree.”

The petitioner submits an undated letter from [REDACTED], an administrative assistant with the Department of Economics at Queens College. [REDACTED] states that the petitioner “has taught some of the courses required for both the Economics and BBA (Bachelor of Business Administration) majors.” [REDACTED] letter does not indicate that the petitioner taught all of the courses required for graduation or that she was the only one who taught the courses. Further, the petitioner submitted no documentation to establish that the Department of Economics at Queens College is an organization with a distinguished reputation.

The petitioner has failed to establish 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.*

The petitioner submitted a copy of a March 15, 2006 letter from the Banking Department of the State of New York confirming her permanent appointment to the position of senior risk management specialist at a salary of \$64,112 plus an annual “downstate” adjustment of \$1,302. A December 10, 2007 letter indicated that the petitioner had been employed by the New York State Banking Department since February 26, 2007 and that her salary in the position of senior risk management specialist was \$64,912 plus a \$1,302 location pay. A December 17, 2007 letter

from the Office of Human Resources at Queens College verified that the petitioner was employed as an assistant professor in the Economics Department at a salary of \$66.55 per hour. The petitioner submitted no documentation to establish that these salaries are high relative to others in her field.

On appeal, the petitioner submits information from the Bureau of Labor Statistics (BLS) indicating that the mean salary for compliance officers was \$50,890. The information provided, however, does not reflect the salary of half of those employed in the compliance field that make more than the mean \$50,890. The petitioner has not shown that, because her salary is 30% higher than the mean salary for the group, she is among the top earners in her field. Additionally, the petitioner indicates that, according to the BLS statistics, her salary as an assistant professor is 205% higher than the mean salary for those in education. We note first that the petitioner compares her salary to those in “education, training and library occupations” as opposed to “business teachers, postsecondary,” which the BLS statistics show earn a mean salary of \$70,220. Second, as discussed above, the petitioner’s evidence fails to address the salary of those in the education field who earn more than the median salary. Third, the petitioner provided no documentation of her salary as an assistant professor prior to the filing date of the petition. The petitioner must show that she commanded a high salary at the time the petition was filed. A petitioner must establish eligibility at the time of filing; a petition cannot be approved at a future date after the petitioner or beneficiary becomes eligible under a new set of facts. *Matter of Katigbak*, 14 I&N Dec. at 49.

The petitioner has failed to establish that she meets this criterion.

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the alien has achieved sustained national or international acclaim and is one of the small percentage who has risen to the very top of her field of endeavor.

Review of the record, however, does not establish that the petitioner has distinguished herself as an economist or educator 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. 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.