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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
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U.S. Citizenship  
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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: **MAY 28 2009**  
LIN06 177 51912

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 the sciences. 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.

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 seeks to classify the petitioner as an alien with extraordinary ability as a postdoctoral researcher. 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 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).

The petitioner did not claim to meet any of the specific criterion outlined in 8 C.F.R. § 204.5(h)(3). However, she submitted documentation that arguably is relevant to the following criteria:

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

In her response to the director’s request for evidence (RFE) dated March 27, 2007, the petitioner stated that she was awarded the James Norman Dent Award for 2004 “[b]ased on my excellent and distinguished performance during my doctoral period.” In an August 11, 2005 letter, Dr. ██████████ Kenan Professor of Biology in the Biology Department at the University of Virginia (UVA), stated that as a result of her “outstanding research,” the petitioner “was honored” with the Dent Award, which is “given yearly to the University of Virginia Biology graduate student who shows the most promise for a research career in Developmental Biology and/or Endocrinology.”

Nonetheless, the petitioner submitted no documentary evidence to corroborate her receipt of this award. 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)). Furthermore, 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. Moreover, competition for these awards is limited to other students, excluding experienced experts. Thus, they cannot establish that a petitioner is one of the very few at the top of his field. The petitioner has submitted no evidence that the James Norman Dent Award is a nationally or internationally recognized award for excellence in her field of endeavor.

The petitioner also stated that her election to full membership in Sigma Xi is an “honorable recognition.” However, the petitioner submitted no evidence that membership in Sigma Xi is considered to be an award or prize. Additionally, membership in associations is more appropriately considered, and will be considered under the criterion set forth at 8 C.F.R. § 204.5(h)(3)(ii) discussed below.

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.

As noted above, the petitioner stated that she was a full member of Sigma Xi, "an international honor society for research engineers and scientists." On appeal, the petitioner states that the director failed to recognize her full membership in Sigma Xi as opposed to a general associate membership.

In an April 23, 2007 letter, [REDACTED] Executive Director of Sigma Xi, stated that membership in the organization "is either full or associate based on research potential or demonstrated research. Members are not ranked in any way." [REDACTED] letter indicates that Sigma Xi confers full membership on "those who have demonstrated noteworthy achievements in research." These achievements must be evidenced by "publications, patents, written reports or a thesis or dissertation, which must be available to the Committee on Admission if requested." A noteworthy achievement is not necessarily an outstanding achievement. In fact, the record reveals that the society does not take a particularly strict view of noteworthy achievements. Specifically, according to [REDACTED] the "Committee on Qualifications and Membership interpreted this qualification to include primary authorship of two papers." In addition, an earned doctoral degree may be substituted for one paper. We cannot conclude that primary authorship of one or two papers is an outstanding achievement as required by this criterion.

The petitioner's curriculum vitae indicates that she is also a member of the Genetic Society of America (GSA), the American Society for Cell Biology (ASCB) and the American Association for the Advancement of Science (AAAS). The petitioner submitted no documentation regarding the membership requirements for the GSA. A copy of a page from the ASCB website submitted by the petitioner and accessed on April 10, 2007, indicates that membership in the organization is "open to all scientists who have education or research experience in an allied field" and that "[f]ull members should have a Ph.D. or other professional degree" or an "equivalent experience in scientific research." The petitioner also submitted a copy of a page from the AAAS website, accessed on April 13, 2007, indicates that membership in the organization is "[o]pen to all." Therefore, the petitioner has not established that either of these organizations requires outstanding achievements of their members.

The petitioner has not established that she meets this criterion.

*Published materials 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 order to meet this criterion, published materials must be primarily about the petitioner and be printed in professional or major trade publications or other major media. To qualify as major media, the publication should have significant national distribution and be published in a predominant language. Some newspapers, such as the *New York Times*, nominally serve a particular locality but would qualify as major media because of a significant national distribution.

The petitioner provided documentation indicating that two articles on which she was co-author were reviewed by the Faculty of 1000 Biology. A copy of a page from the organization's website, accessed on April 10, 2007, states, "Faculty of 1000 Biology will be run by scientists for scientists, and will provide a rapidly updated consensus map of the important papers and trends across biology." Another page indicates that the "Faculty of 1000 Biology consists of some of the best scientists in their respective fields and involves both experienced and younger investigators." The petitioner also submitted information regarding the Faculty of 1000 Biology from the *Wikipedia* website, indicating that the Faculty of 1000 "acts as a filter, highlighting the most significant research." With regard to the information posted on *Wikipedia*, there are no assurances about the reliability of the content from this open, user-edited internet site.<sup>1</sup> See *Badasa v. Mukasey*, 540 F.3d 909 (8<sup>th</sup> Cir. 2008). As such, we will not give significant weight to claims for which *Wikipedia* is the only cited source. Other than information from the organization's own website, the petitioner submitted no documentation regarding the significance of a review by the Faculty of 1000 Biology. The record does not establish that the website is major media. Further, the petitioner submitted evidence of only two reviews, one in June 2005 and the other in September 2005. Two reviews within a four-month period do not constitute the extensive documentation necessary to qualify for this visa classification as required by the Act nor can they be considered evidence of sustained acclaim.

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<sup>1</sup> Online content from *Wikipedia* is subject to the following general disclaimer:

*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:Disclaimers>, accessed on May 12, 2009, and incorporated into the record.

The evidence does not establish that the petitioner 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.*

In her response to the RFE, the petitioner stated that she “participated in the paper reviewing for a top journal (Nature Review Molecular and Cell Biology) along with [REDACTED]” The petitioner, however, submitted no documentation to corroborate that she reviewed any paper for these journals. Accordingly, she 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.*

With the petition, the petitioner submitted several letters of recommendation. However, she did not specify any particular contribution of major significance that she had made to her field of endeavor. In response to the RFE, she stated that her Ph.D. research “was the functional analysis of the Tricornered gene in *Drosophila*.” She stated that she “not only identified a group of conserved and novel genes but also established a gene network that functions in regulating several important biological processes.” The petitioner further stated:

I also collaborated with a lot of labs with several successful accomplishments, one of which was the huge discovery of the role Trc and Furry play in regulating neural dendrite tiling. For many years people knew almost nothing about the mechanism of how neuronal dendrites got branching with specific pattern. For the first time, we found that Trc and Furry mutants played important roles in this. It was a great breakthrough in this field which will eventually help during mental retardation illness in human.

The petitioner stated that her research was used by others who “achieved more fantastic discover[ies].” In his August 11, 2005 letter, [REDACTED] stated that the petitioner performed her dissertation research in his laboratory, focusing her research on “the Tricornered (Trc) kinase and other genes that function along with *trc* during the morphogenesis of the *Drosophila* adult epidermis.” [REDACTED] stated that “[t]hese are likely to play important roles in many human cells types and there is evidence for at least one of these genes being linked to cancer.” He described the petitioner’s research and experiments and indicated that the results of her research had been published in two prestigious scientific and medical journals and reviewed in another. In an April 18, 2007 letter, [REDACTED] stated that he ranked the petitioner in the top two percent of graduate students that he had known in his career. Nonetheless, [REDACTED] did not describe the petitioner’s work as constituting a contribution of major significance to the field.

Professor of Biology and Cell Biology at UVA, stated in a November 1, 2005 letter that he was a member of the petitioner’s dissertation committee and that:

While she was a graduate student at Virginia, [the petitioner] studied an essential protein called “tricornered”. She used a variety of approaches to unveil tricornered’s function in the fruit fly, *Drosophila melanogaster*, whose well understood genetics makes this species one of the most powerful research systems available for unraveling the mysteries of development and disease in all multicellular animals, including humans. In only 3 years, [the petitioner] discovered why this protein is important in flies, and considerable detail about how it works. She also found that the human equivalent of tricornered is a tumor suppressor, and can function in flies just as well as *Drosophila tricornered*. Her work on fruit flies thus shed significant light on a protein that helps to protect human cells from becoming cancerous. The significance of such work speaks for itself, and I am confident that [the petitioner] will continue to make similarly important scientific contributions in the days to come.

In an unsigned letter dated October 23, 2003, [redacted] an associate professor of Biology at UVA, stated that she was on the petitioner’s dissertation committee for three years. She stated that the petitioner “has made substantial and valuable contributions” in her “important” area of research and that the “significance of her results have already attracted much attention and provoked intensive follow-up research worldwide.” [redacted] did not explain the nature of the attention or describe the research that has taken place as a result of the petitioner’s prior work.

In an August 29, 2005 letter [redacted] Professor of Molecular Physiology at the University of California, San Francisco (UCSF), stated that he had collaborated with the petitioner for over two years. He further stated:

[The petitioner] has elucidated a clear signal transduction pathway involving this gene *in vivo* in addition to the essential amino acid sites of this protein. This was a huge amount of work, and [the petitioner] showed for the first time how this gene worked and is regulated *in vivo* in a multiple cellular organism, which shares high similarity to that of mammals. I think the beauty and value of her work is how she shed light on how this conserved gene, which involved signal transduction pathway might work in other higher organisms including humans. She published two first author papers in *Molecular Biology of Cell (MBC)*, which is an excellent, highly competitive, biological journal. This is an indication of how [she] has established herself as a major contributor in this field.

No evidence of record, however, supports [redacted] conclusion that publication alone, no matter how prestigious the journal, establishes that the petitioner has made a major contribution to her field of endeavor. In an April 17, 2007 letter, [redacted] stated that the petitioner’s “groundbreaking research on protein kinase has opened doors to other related field[s]” and that “[h]er contributions will lead to drug and diagnostic tests that will be of utmost importance to many Americans who suffer from cancer and neuronal diseases.” The possibility of any future contributions by the petitioner is not evidence that she has made a contribution of major significance to her field as of the date her petition was filed. A visa petition may not be approved

based on speculation of future eligibility. See *Matter of Michelin Tire Corp.*, 17 I&N Dec. 248 (Reg. Comm. 1978); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971).

██████████, an associate professor of Cell Biology at Duke University Medical School, stated in a January 20, 2006 letter that the petitioner was the first to discover how the *trc* in *Drosophila* gene “plays multiple functions in a multiple cellular organism.” ██████████ further stated:

Before her work, people only knew partially how some similar proteins work in *in vitro* cultured cells and lower organism like yeast. [The petitioner] not only deduced a beautiful signal transduction network involving this kinase but also clarified how this kinase is self-regulated. This is an incredible feat for PhD research because this work demands high level of creativity, determination, and perseverance. Because this kinase and its similar proteins, as well as their involved pathways, are highly conserved in mammals and humans, [the petitioner’s] work has contributed significantly to our progress in finding novel treatment methods to cure the diseases resulting from these mutations. The importance of her work is evident from her publications in first-rate scientific journals and her presentations at major conferences in her field.

██████████ did not state that the petitioner’s work, while noteworthy, constituted a contribution of major significance, to her field of endeavor. In an April 30, 2007 letter, ██████████ expanded on his comments, now stating that he knew the petitioner’s work “very well because she once spent a couple of months” in his laboratory while they collaborated on a project. According to ██████████

[T]his project involved the discovery of a sophisticated enzyme in gene regulation, to be specific, DNA demethylation, a process that is used by stem cells to keep the mammalian genome capable of dynamically controlling multiple gene expression or activation level. This discovery is so important that it will reshape all aspects of cancer research and treatment, and will possible be a Nobel-prize winning discovery if proved. [The petitioner] played a vital role in this ground-laying work.

██████████ indicates that the discovery made by his joint project with the petitioner has not been proved, and the petitioner submitted no documentary evidence that the discovery has reshaped cancer research. As discussed above, a petitioner must establish eligibility at the time of filing. A visa petition may not be approved based on speculation of what may occur in the future. *Matter of Katigbak*, 14 I&N Dec. at 49.

Others submitting letters on the petitioner’s behalf included ██████████, Chairman of the Department of Biochemistry at Southwestern Medical Center at the University of Texas, in a January 23, 2006 letter, stated that the petitioner had worked in his laboratory for a year, and that he predicted that she “will emerge as a national leader in biomedical research in the decades to come;” ██████████, a professor of medicine at Harvard Medical School, described the petitioner’s contributions as “substantial and valuable,” and stated that she has “great potential for continuing to make significant contributions to the science and technology of molecular,

genetic and developmental biology;” [REDACTED], Senior Group Leader at the Friedrich Miescher Institute for Biomedical Research, in Basel, Switzerland, stated in an April 23, 2007 letter, that his group had published “a few papers” which cited the petitioner’s work, and that the petitioner’s work “would eventually lead to the cure of certain mental disorders like autism.” He described the petitioner’s “contribution to her immediate field” as “tremendous;” and [REDACTED] and [REDACTED], professors in the Department of Neurology at the UCSF, stated in a May 3, 2007 joint letter, state that the petitioner “has great potential to become an exceptional scientist who will be beneficial to the field of Biomedical Science in the United States in the near future.” They stated further that the petitioner’s “Ph.D. work has influenced work in many other labs studying cancer research, neuronal diseases, cell signaling, and others because of the importance and wide-spectrum of application.”

The above letters are primarily from the petitioner’s collaborators and immediate colleagues. While such letters are important in providing details about the petitioner’s role in various projects, they cannot by themselves establish the petitioner’s national or international acclaim.

The opinions of experts in the field, while not without weight, cannot form the cornerstone of a successful claim of sustained national or international acclaim. The United States Citizenship and Immigration Services (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. USCIS may even give less weight to an opinion that is not corroborated, in accord with other information or is in any way questionable. *Id.* at 795; *see also Matter of Soffici*, 22 I&N Dec. 158, 165 (Commr. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Regl. Commr. 1972)).

While the petitioner’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. Any Ph.D. thesis or postdoctoral research, in order to be accepted for graduation, publication or funding, must offer new and useful information to the pool of knowledge. 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 petitioner’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. Many of the petitioner’s references attest that her work was original, groundbreaking or significant. However, none of these descriptions are necessarily synonymous with “major contribution,” and none of the petitioner’s references indicate that her

contributions were of a major significance to her field of endeavor. Others indicate that she has the potential to become a major contributor to her field.

While the evidence demonstrates that the petitioner is a talented researcher with potential, it falls short of establishing that the petitioner had already made contributions of major significance. Thus, the petitioner has not established 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 her petition, the petitioner listed 10 articles on which she served as co-author that were published in various journals such as *Cell*, *Molecular Biology of the Cell*, and the *Proceedings of the National Academy of Sciences of the United States of America* and at various conferences. She also listed one paper that was "in preparation." The petitioner provided copies of her published articles and of the abstracts she presented at conferences. In response to the RFE, the petitioner provided a list of citations to her work. However, of the 49 citations listed by the petitioner, 21 occurred after the filing date of the petition on May 30, 2006. As discussed above, the 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. 8 C.F.R. § 103.2(b)(1),(12), *Matter of Katigbak*, 14 I&N Dec. at 49.

The petitioner submitted documentation from the website of ISI Web of Knowledge corroborating that two of her articles had been cited a total of 11 times. The petitioner also submitted several articles in which her papers had been referenced. These references sometimes occurred several times in a single document and therefore are not necessarily indicative of widespread acclaim.

Duties or activities which nominally fall under a given regulatory criterion at 8 C.F.R. § 204.5(h)(3) do not demonstrate national or international acclaim if they are inherent or routine in the occupation itself. As frequent publication of research findings is inherent to success as an established research scientist, publications alone do 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 research teams or other proof that the alien's publications have had a significant impact in his field.

On appeal, the petitioner asserts:

The [director's] decision misjudged my articles merely by the number of citations. This is a common obsession people have when dealing with publications. Clearly, the decision practiced the very concept that citation is the single most important factor when evaluating a published article. This has been criticized by many experts, as citation is not the only indicator of the quality of an article.

The petitioner further states that "many articles of the greatest scientists, for instance, Nobel prize winners, will not always appear in the top journals or have a large number of citations."

The petitioner cites as an example an article published by ██████████ in 1995, which has had only 12 citations in the past 12 years, and one published by ██████████ in the same year that has only had 38 citations. Both doctors were Nobel Prize winners. However, the petitioner does not suggest that these particular articles by these individuals were instrumental in their winning the Noble Prize. Not every article written by a Nobel Prize winner can be assumed to have had a major impact in their fields.

Furthermore, a consistent history of citations is just one method of establishing the impact of the petitioner's work in her field of endeavor. While ██████████ indicates that he cited the petitioner's articles in his own papers, the petitioner's other references indicate that they collaborated with the petitioner. The petitioner submitted no other documentary evidence that her articles had a significant impact on her field of endeavor.

The evidence does not establish that the petitioner meets this criterion.

Finally, 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. The petitioner, a postdoctoral research associated, relies on ten publications and abstracts presented at conferences, and accolades from her collaborators and supervisors. While this may distinguish her from other postdoctoral researchers and research associates, we will not narrow her field to others with her level of training and experience. ██████████ indicates that he has authored more than 75 papers and served on the editorial board of three scientific journals. ██████████ is a member of the national Academy of Sciences of the USA and indicates that he has published over 200 research papers and abstracts. Thus, it appears that the highest level of the petitioner's field is far above the level she has attained.

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 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.