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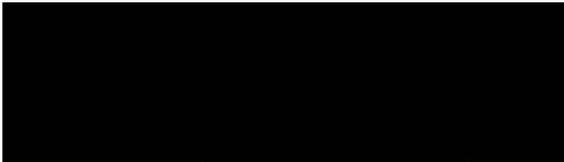
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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and Immigration
Services

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FILE: [REDACTED]
LIN 08 158 52452

Office: NEBRASKA SERVICE CENTER

Date: **MAY 29 2009**

IN RE: Petitioner:
Beneficiary:



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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

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

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

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center. 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 he 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 associate. 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 has submitted evidence that, he claims, meets the following criteria.¹

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

In his May 4, 2007 letter forwarding the petition, the petitioner stated that he has “received numerous awards” “in recognition of [his] academic excellence.” The petitioner, however, stated that he was addressing three that were relevant:

a. The Young Investigator Award from National Alliance for Research on Schizophrenia and Depression (NARSAD). The petitioner submitted a copy of a March 9, 2007 letter from NARSAD informing him that his application for a 2007 young Investigator Award was approved for funding. In response to the director’s request for evidence (RFE) dated January 4, 2008, the petitioner submitted a January 17, 2008 letter from NARSAD confirming his receipt of the award. The letter, signed by [REDACTED] Director of Scientific Affairs and Research Grants, reflected that the petitioner was among 893 applicants for the grant, and that the award “is often an indicator of great accomplishments to come.” According to an article from medicalnewstoday.com, accessed on February 6, 2008, “NARSAD’s grant recipients are selected on the basis of the excellence and originality of their work” and “are designed to help early-career scientists initiate independent research on brain and behavior disorders.”

On appeal, the petitioner asserts that the Young Investigator Award is not a grant, but rather an award for outstanding achievement awarded to the investigator and not the project. However, this clearly is inconsistent with the letter from NARSAD and other evidence in the record that identify the award as a grant. Further, the letter from NARSAD indicates that the money would be paid to the institution and not to the individual.

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. The evidence does not establish that the Young Investigator’s Award is

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

a nationally or internationally recognized award of excellence in the petitioner's field of endeavor.

b. The Thomas Baum Travel Award. The petitioner submitted a copy of a March 6, 2007 letter from the Department of Pharmacology at the University of Michigan Medical School. The letter confirmed that the petitioner had won the 2003 Thomas Baum Travel Award issued by the medical school. The letter, signed by [REDACTED], a student services associate at the University of Michigan, stated:

This award is the few highest honors granted by the most prestigious agency the field of medical sciences in US. All the scientists from different countries can compete for this award by submitting their results. A panel of experts reviews those competitors' scientific achievements. Every year, only two candidates are selected for this award.

[The petitioner] earned this prize based on his breakthrough research and new findings in the leukemia research presented at the 45th Annual Meeting of the American Society of Hematology.

We note that travel awards are generally provided to aid the awardee's attendance at a conference or meeting in which he or she has been selected to present his or her work. A travel grant is not an award or prize for excellence in the field of endeavor. The documentation indicates that the petitioner was selected to present his research at the 45th Annual Meeting of the American Society of Hematology. In his RFE, the director noted that academic awards "generally do not rise to the level of a nationally or internationally recognized award" and requested additional documentation regarding the petitioner's receipt of the award. The petitioner submitted no additional documentation regarding the Thomas Baum Travel Award with his response, and does not provide any additional evidence on appeal. The record does not establish that the Thomas Baum Travel Award is a nationally or internationally recognized award of excellence in the petitioner's field of endeavor.

c. First-Class Scholarship from Nankai University. The petitioner submitted copies of documents indicating that he was the recipient of an October 1998 "Certification of Scholarship" for a first-class scholarship and an October 15, 1997 certification indicating that he won the second-class scholarship from Nankai University. The petitioner submitted no other documentation regarding this scholarship. The record does not establish that the First-Class scholarship from Nankai University is a nationally or internationally recognized award of excellence in the petitioner's field of endeavor.

The petitioner has not established that he 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 claims to meet this criterion based on his membership in the American Society for Cell Biology (ASCB) and the American Association for the Advancement of Science (AAAS).

The petitioner submitted a copy of a January 2, 2007 letter signed by [REDACTED] Membership Manager, confirming his membership in the ASCB. [REDACTED] stated that to qualify for membership:

The applicant must be sponsored by a regular or postdoctoral member in good standing and must hold a Ph.D., M.D. or an equivalent degree, or must have equivalent experience. For postdoctoral membership, the applicant must hold a Ph.D. or equivalent degree or have equivalent experience, and must be actively engaged in a training program. The application must also be endorsed by the fellow's research advisor.

The qualifications for membership as outlined by [REDACTED] do not reflect that the ASCB requires outstanding achievements of its members. Achieving a doctoral degree, while notable, is not by itself, evidence of outstanding achievement. The petitioner submitted no additional documentation on appeal regarding the membership requirements of the ASCB.

The petitioner also submitted a copy of an October 11, 2006 letter and a membership card from the AAAS. The petitioner submitted no evidence of the membership requirements for the organization and admitted in response to the RFE that the organization did not provide "a clear answer regarding their selection criteria." The evidence does not establish that the AAAS requires outstanding achievements of its members.

In his response to the RFE, the petitioner also claimed that he meets this criterion based on his membership in Sigma Xi, the Society for Neurosciences (SfN), and the Association for Research in Vision and Ophthalmology (ARVO). The petitioner submitted a February 1, 2008 letter notifying him of his election to Sigma Xi in February 2008 and a copy of a February 5, 2008 e-mail notifying him that his application for membership in the SfN had been approved. In denying the petition, the director noted that the petitioner's acceptance into both of these organizations

occurred subsequent to the date the petition was filed on June 25, 2007. Citing *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm. 1971), the director stated that a petitioner for an employment-based visa immigrant classification must possess the necessary qualifications at the time of filing the visa petition. The petitioner asserts on appeal that *Matter of Katigbak* is inapplicable as “203(b)(1)(A) is not an employment-based immigrant classification.” The petitioner is in obvious error. Both the Act and the regulation clearly indicate that this is an employment-based visa preference classification. Specifically, section 203(b)(1)(A)(ii) of the Act provides that eligibility for this visa classification is for aliens who “seek[] to enter the United States to continue work in the area of extraordinary ability.” Further, the regulation at 8 C.F.R. § 204.5(h)(5) explains that while no offer of employment is required “the petition must be accompanied by clear evidence that the alien is coming to work in the area of expertise.” Accordingly, documentation of the petitioner’s membership in Sigma Xi and SfN in February 2008 is not evidence of his eligibility for this visa classification on June 25, 2007, when he filed his petition.

The petitioner submitted a February 6, 2008 letter from ARVO, confirming his membership in the organization from January 1, 2001 to December 31, 2003. The letter indicated that:

Membership is restricted to individuals demonstrating a serious interest in or making significant contributions to visual science. This may be evidenced by: (a) scientific publications; (b) attendance at ophthalmological or visual science meetings; (c) direct involvement in research, or (d) other similar activity satisfactory to the Board of Trustees. An applicant is eligible for membership in ARVO only on the recommendation of a member who has knowledge of the quality of the applicant’s research efforts.

The letter indicates that membership can be obtained by simply attending meetings and at the recommendation of another member. Therefore, the petitioner has not established that ARVO requires outstanding achievements of its members.

The petitioner has not established that he 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 stated that his research has been cited by his peers “more than 200 times” and “cited by leading experts nationally and internationally.” It is the nature of research to build upon work that has gone before. In some instances, prior work is expanded upon or supported. In others, prior work is superseded by the findings of current research. In either case, the current researcher normally cites the work of prior researchers. Clearly this is not the same thing as published material written *about* an individual's work in the field. While in a general sense, the articles discuss the merits of the petitioner's work, the merits are addressed only as it is relative to that author's own research. Citations do not discuss the individual's standing in the field or any significant impact that his work has had on work in the field. Citations of the petitioner's work will be addressed under a separate criterion.

The petitioner has not established that he has been the subject of published material that 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 his letter accompanying the petition, the petitioner stated that he has served “as the ad hoc reviewer for the journal ‘*Chinese Journal of Biotechnology*’ since 2004.” The petitioner submitted a copy of an undated letter from the *Chinese Journal of Biotechnology* signed by [REDACTED] the chairman and executive editor, who stated:

The *Chinese Journal of Biotechnology* is one of the best biological science journals in China. It only publishes those papers with original and innovative ideas. In order to maintain high quality of our journal, we only invite several experts in this field including [the petitioner] to review our manuscripts. [The petitioner] is a recognized expert and a frequent contributor not only to this journal but also to many other prestigious magazines. He has been reviewing many papers for us.

[REDACTED] letter provides no details about when and how often the petitioner served as a reviewer for their publication. The petitioner submitted no documentation to corroborate that he actually performed any review for the *Chinese Journal of Biotechnology*.

The petitioner also submitted a copy of a May 12, 2006 letter indicating he was to be the reviewer of an article for *The Journal of Cell Biology*. He submitted no documentation, however, to show that he actually performed the review. 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)).

The petitioner provided copies of e-mails dated September 21, 2006, November 18, 2006, and May 11, 2007, addressed to the petitioner from [REDACTED] of the Massachusetts Institute of

Technology (MIT), asking the petitioner and another individual for their comments and review of manuscripts for the journals *Cell* and *Neuron*. In response to the RFE, the petitioner submitted a letter from ██████████ in which he stated that he was a professor at Picower Institute for Learning and Memory at MIT and that the petitioner works in his laboratory. ██████████ stated that he served as an ad hoc reviewer for “many top journals.” He further stated that he had asked the petitioner to help him to “judge the work of others in the same field,” and that, as reviewing editor of the *Journal of Neuroscience*, he also assigned the petitioner a manuscript to review that was submitted to the journal on February 2, 2006. ██████████ stated that he assigned the petitioner to review the manuscript because of his “expertise and achievements” and that “his judgments on these manuscripts are commensurate with the acclaim in the field.”

The regulatory criteria are established to assist the petitioner in demonstrating national or international acclaim, and must be interpreted as a whole with the statute. Not all who sit as a judge of the work of others will have extraordinary ability or will qualify under this criterion. The AAO interprets this regulation to require that the selection and participation process for serving as the judge of the work of others in the field be indicative of national or international acclaim in the field.

The evidence sufficiently establishes that the petitioner reviewed four manuscripts. Of those four, three were reassigned to him by the person chosen by the journal to do the review. Accordingly, the evidence does not establish that the petitioner was chosen by the editors or the journal to review the manuscripts based on his reputation in the field. ██████████ stated that he chose the petitioner to review a manuscript for the *Journal of Neuroscience* based on his expertise in the field. However, evidence of this one review, assigned to him by his instructor, is insufficient to demonstrate the petitioner’s national or international acclaim in his field.

The petitioner has not established that he 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 claims that his research has had a significant impact in agricultural productivity, environmental protection, human health and the economy.

a. Agricultural Productivity. The petitioner stated that he was part of the Chinese Rice Genome Project (RGP) and “responsible for sequencing chromosome 4 in rice.”

Although the clones of rice chromosome 4 had covered high proportion of it, still many existed on the physical map of rice due to lack of sufficient DNA markers at that time. I was in charge of solving this obstacle. In order to isolate more molecular markers as soon as possible, I utilized a very unique technique—chromosome microdissection as well as Linker Adapter PCR to construct a DNA library directly from the single chromosome 4 of rice. I obtained a great number of clones from rice chromosome 4. Furthermore, using the PCR products as a

probe, I proved that the library not only originated from rice chromosome 4 but also covered a fairly high proportion of it. My results demonstrated that above 50% of these clones were single or low-copy sequences, which could be directly transferred into DNA markers to fill up the gaps between the large pieces of rice DNA and connect them together to cover the whole chromosome 4. Most of these clones have been successfully used by RGP of China and International Rice Research Institute (IRRI) to saturate their physical maps of rice. On the other hand these clones also facilitate map-based cloning of important genes. My work . . . greatly accelerated the accomplishment of rice chromosome 4 sequencing . . . and significantly shortened the time to finish the RGP in China.

The petitioner submitted a copy of a list reflecting that his abstract, *Isolation of Rice Chromosomes and Construction of DNA Library from Singe Chromosome*, was among those that were presented at the XVIIIth International Congress of Genetics in Beijing, China from August 10-15, 1998, and that his article "Construction of a DNA library from chromosome 4 of rice (*Oryza sativa*) by microdissection," was published in 1998 in *Cell Research*. However, presenting a paper and being published are not evidence in themselves that the petitioner's work was of major significance to the field. In a January 18, 2007 letter, [REDACTED] an associate professor in the Department of Biochemistry and Molecular Biology and a "Courtesy Associate Professor" of Ophthalmology & Visual Sciences at the University of Nebraska Medical Center, stated that the petitioner's "research on construction of DNA library from a single rice chromosome greatly accelerates the accomplishment of Rice Genome Project." Nonetheless, the petitioner submitted no documentation to corroborate that his work with the rice genome project constituted a contribution of major significance to his field of endeavor. 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)).

b. Environmental Protection. The petitioner stated:

I began to establish a novel technique for gene targeting, called mRNA-AFLP, which combined Smart cDNA PCR with AFLP (amplified fragment length polymorphism). I established a model of plant-pathogen interaction and used this technique to probe into the mechanism of plant disease resistance. The pathogen recognition and the disease resistance depend on a complex process of signal transduction . . . One major disease leading cauliflower death is caused by bacterial black rot. I developed a cauliflower strain with resistance to black rot and identified the genes responsible for black rot resistance using this mRNA-AFLP technique. Two pools of genes from sensitive and resistant cauliflowers to the bacterial black rot were isolated. After AFLP-silver-staining method, I obtained several genes, which were differentially expressed between the sensitive and resistant strains. One gene clone has been tested and acts as a defensive gene. In the future, this natural defensive gene has the great potential to make transgenic

plant for other sensitive vegetables and to convert them into black rot resistant, therefore, significantly reduces the pesticide usage and protects our environment.

The petitioner stated that this research “represented a breakthrough in the field of plant-pathogen communication.” He submitted a copy of an article entitled “Research on Relative Gene of Flowercolor in Cauliflower Using cDNA-AFLP Silver Staining Method,” which was published in 2000 by *Acta Scientiarum Naturalium Universitatis Nankaiensis*. However, most of this article is in Chinese and is not accompanied by a full English translation. The document therefore 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.

Because the petitioner failed to submit certified translations of the documents, the AAO cannot determine whether the evidence supports the petitioner's claims. Accordingly, the evidence is not probative and will not be accorded any weight in this proceeding. Furthermore, as noted above, publication of the results of one’s research does not, without more, indicate that the research is a contribution of major significance to one’s field of endeavor. The petitioner submitted no documentation to corroborate that his work with cauliflowers is of major significance to his field. *Matter of Soffici*, 22 I&N Dec. at 165.

Furthermore, the petitioner stated that “[i]n the future, this natural defensive gene has the great potential to make transgenic plant for other sensitive vegetables and to convert them into black rot resistant.” However, 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. The petitioner’s work that may benefit science prospectively does not establish that the petitioner has already made a contribution of major significance to his field.

c. Human Health. The petitioner stated that he has been working on four major human diseases: cataract, cancer, schizophrenia and Alzheimer’s. The petitioner stated that his “dissertation focused on the function study of alpha-crystalline gene that is involved in program cell death and cataract formation” and that he was the “first one proving that alpha-crystalline can fight against lens cell death via interfering pro-cell death genes Bcl-Xs and Bax at mitochondria level.” The petitioner further stated that “[t]his novel finding revealed a new function of crystalline gene, which will further promote the potential gene therapy using crystalline to treat cataract.” The petitioner stated, “These results have been used to design preventive medications for cataract patients and significantly improve their health condition.”

In his January 18, 2007 letter, _____ stated that he served as the petitioner’s academic advisor and chair of his graduate advisory committee:

During the three years in my lab, [the petitioner] made tremendous contribution to understand the molecular mechanism of lens cell death. He found that an oncogene, bcl-2, which is already well-accepted as an anti-cell death gene in a lot of cancers, instead increases the sensitivity of lens cell to oxidative stress-induced cell death. He further demonstrated that bcl-2 promotes cell death in lens cells through downregulating a chaperon protein called alpha-crystalline . . . He successfully showed that alpha-crystalline is very important against lens cell death and this downregulation of alpha-crystalline is due to the reduced activity of a specific transcription factor, lens derived growth factor (LEDGF). He is the first one to reverse the whole general concept in the cancer field about anti-cell death genes, which can enhance cell death in some circumstances. He was the first one proving that alpha-crystalline can fight against lens cell death via interfering pro-cell death genes Bcl-Xs and Bax at mitochondrial level. This novel finding revealed a new function of crystalline gene, which will further promote the potential gene therapy using crystalline for cataract.

While [redacted] described the petitioner's finding as "novel," he did not state that it was a finding of major significance to the field. "Novel" is synonymous with "original" or "new." *See, e.g.,* thesaurus.com.² It is not the same as "major." 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 also provided a February 4, 2008 letter from [redacted], director of the Stanley Center for Psychiatric Research and of the Psychiatry Initiative at the Broad Institute of Harvard University and MIT. [redacted] stated:

[The petitioner] made major significant contributions to reveal the pathological mechanism of cataracts. [He] is the first scientist to discover that chaperone proteins can function at the level of mitochondria to sequester and inhibit pro-apoptotic BAX and BCL-X_s, to prevent their translocation to mitochondria. His discovery is particularly important for the development of both novel treatments and prevention of cataracts. The significant impact of [his] research work is well supported by the enthusiastic responses from experts in the field.

While [redacted] described the petitioner's work as "major significant contributions" and stated that his work "is particularly important for the development of both novel treatments and prevention of cataracts," he did not specify any treatments or other techniques for cataracts that

² <http://thesaurus.reference.com/browse/novel>, accessed on May 27, 2009, a copy of which is incorporated into the record.

have resulted from the petitioner's work. Additionally, the petitioner submitted no documentation to establish that his work has been used to design treatments for cataracts or prevent their development. *See Matter of Soffici*, 22 I&N Dec. at 165. Additionally, [REDACTED] stated that the petitioner's work was "supported by the enthusiastic responses from experts in the field" and that his work "was commented on in *Nature Review Neuroscience* (2004, 5:686), one of the most prestigious review journals in the field of neuroscience." The record does not support [REDACTED]'s statements. Although the petitioner submitted documentation indicating that he had presented abstracts of his work at meetings of The Association for Research in Vision and Ophthalmology, the record contains no evidence of any feedback from these meetings or any other "enthusiastic" response to his research. Further, the comment that appears in *Nature Review Neuroscience* is not dedicated solely to the petitioner's work but appears to be a summary of all work in that area of research.

In the area of cancer research, the petitioner stated that during his Ph.D. study, he "successfully identified an important signaling mediator downstream of M-CSF, Gab2, which is critical for M-CSF-mediated cell proliferation." The petitioner further stated that "[u]sing a new biotechnique, RNA interference, I brilliantly demonstrated Bab2 regulates cell proliferation through PI3K pathway."

[REDACTED] stated that after the petitioner completed his master's programs, he continued his Ph.D. training in the Department of Pharmacology at the University of Michigan:

There he [was] involved in two challenging areas in biomedical research: tumorigenesis and neurogenesis . . . [The petitioner] took the challenge to study the mechanism of leukemia and neural stem cells. He successfully identified a scaffold protein, called Gab2, playing essential roles in both events. Gab2 stands in the converged point of numerous signaling pathways modulating both leukemia formation and neural stem cell proliferation/differentiation. On one hand, Gab2 functions downstream of CSF-1 to stimulate cell growth and cancer [sic] formation. Mutations on Gab2 lead to leukemia-like disease. On the other hand, he found that Gab2 is required for neural stem cells proliferation and differentiation. Gab2 suppression greatly reduced neuron generation. These findings have important implications for cancer and brain research, especially for leukemia and Alzheimer's disease (AD). Significant results have emerged from his studies that directly or indirectly assist in our fight against cancer . . . The petitioner's] study on Gab2 may provide a stone to kill two birds-the therapy targeting both diseases at same time. Thus, his research definitely has an enormous impact on large numbers of the U.S. citizens and directly benefits the U.S. healthcare.

[The petitioner] moved to MIT for his postdoctoral research on two complicated neural diseases: Alzheimer's disease and schizophrenia . . . His study on the gene DISC1 revealed a novel defect of neurogenesis in schizophrenia disease, which might provide a potential drug target for screening. In another, he utilized a

mouse model to study Alzheimer's disease. His results indicated that the viability of neural stem cells in Alzheimer's disease brain was defective. This supports recent effort to use stem cells as regenerative medicine for Alzheimer's disease because endogenous neural stem cells may serve as a replacement for neuronal lost. [The petitioner's] study has momentous influence on therapeutic of Alzheimer's disease and schizophrenia. He is very valuable to US health care and no one can replace his role on this field.

In a March 6, 2007 letter, the Maurice Seevers Collegiate Professor and Chair of Pharmacology at the University of Michigan Medical School, stated:

To address how Gab2 regulates molecular and cellular signal transduction process, [the petitioner] designed a novel experiment using a new molecular technique called "RNA interference". Compared to other traditional gene-silencing technology, RNA interference has the advantages of high specificity and excellent efficacy to suppress expression. This technique is widely used in anticancer therapy. He successfully identified that Gab2 plays a critical role in mediating signals from an important growth factor known as macrophage colony stimulating factor (M-CSF). M-CSF is essential for generation of macrophages and osteoclasts. Macrophages are important participants in many cellular functions, including immune defense and normal tissue development, and their roles can be broadly divided into those with trophic effects, such as the production of cytokines and chemokines, and those requiring the phagocytosis of foreign material or dead cells. Because of that, M-CSF has been used for the treatment of a number of different infectious diseases. [The petitioner] brilliantly dissected the signaling pathways mediated by Gab2 and demonstrated that Gab2 is required for M-CSF-induced myeloid proliferation. These findings not only increase our understanding of the mechanism for tumorigenesis, but also provide a new anti-cancer target for potential drug development.

Professor of Pharmacology at the University of Michigan Medical School, stated in a March 4, 2007 letter:

[The petitioner] successfully identified an important signaling mediator downstream of M-CSF, Gab2, which is critical for M-CSF-mediated cell proliferation. Using a new biotechnique, RNAi, he rigorously demonstrated that Gab2 regulates cell proliferation through PI3K pathway, which provides a new target for cancer therapy.

a senior principal scientist at Pfizer, stated in a February 28, 2007 letter that the petitioner's research in leukemia is "scientifically significant:"

[The petitioner's] research on CSF-1 signaling revealed a new player for leukemia development-Gab2 gene, CSF-1 is known to stimulate not only the acute

lymphoblastic leukemia in children, but also ovarian and breast cancers in female. [The petitioner] intelligently identified the mutations on Gab2 that promote CSF-1-mediated myeloid cell proliferation, suggesting its capacity for tumorigenesis.

[The petitioner's] discovery of the role of Gab2 on CSF-1 signaling pathway may shed light on new strategies for attacking cancer using Gab2 as a cancer cell target, and thus be invaluable to advances in modern cancer therapies. His outstanding research work has created major impact within and beyond U.S.

“Scientifically significant,” as with the term “novel” is not synonymous with the term “major.” As discussed previously, while the petitioner’s research may be of value, it does not follow that every researcher who performs original or significant research that adds to the general pool of knowledge has inherently made a contribution of major significance to the field as a whole.

[REDACTED], an assistant professor in the Departments of Clinical Neurosciences, Cell Biology & Anatomy, and Biochemistry & Molecular Biology at the University of Calgary, Hotchkiss Brain Institute, stated in a March 5, 2007 letter:

[The petitioner] is one of the top leaders on neural stem cells research in Neuroscience. He is first to demonstrate that the signaling adaptor Gab2 protein is essential for bFGF-mediated neural stem cells proliferation and differentiation. He investigated the role of Gab2 in not only neural stem cells but also hematopoietic stem cells, which are implicated in leukemia development. In brief, his studies constitute a real breakthrough that has a great impact on stem cell research and clinical applications of stem cell therapy in cancers and neurodegenerative diseases.

[REDACTED] stated:

[The petitioner's] research concerning the schizophrenia risk gene DISC1 has been conducted in [REDACTED] research group, one of the leading groups on the search for the treatment of schizophrenia and neurodegenerative disease . . . His highly unique, specialized technical skills in mouse models for neuroscience have resulted in [the petitioner] playing a leading and key role in professor Tsai’s research group at MIT. His research discovered a novel mechanism by which DISC1 might contribute to the manifestation of schizophrenia: through regulating a key kinase called GSK-3beta. This finding is seminal in my decision to advance and expand our DISC1 research project within the Stanley Center. These discoveries have had a significant impact on understanding the biology of the disease, on identifying novel targets for treatments, and on the development of new drugs.

[REDACTED] Professor of Neuroscience at the McGovern Institute for Brain Research at MIT, stated in a February 4, 2008 letter:

DISC1 (abbreviation of Disrupted in Schizophrenia 1) is emerging as the best supported candidate gene for schizophrenia. Patients with DISC1 mutations developed not only schizophrenia but also bipolar disorder and major depression. Studies on DISC1 gene will definitely shed light on the cause of schizophrenia and eventually lead to the treatment for several major mental diseases.

[The petitioner] utilized his unique combination of expertise in neural stem cell and inventive experiment design to identify the fundamental role of DISC1 gene in neural stem cell proliferation. He found that DISC1 loss-of-function results in less neural stem production. Furthermore, he demonstrated that DISC1 can function as an inhibitor of GSK3, a critical component of Wnt signaling pathway, which has been implicated in several psychiatric disorders. His innovative work provides a framework for understanding how alterations in neural progenitor proliferation may play a role in the etiology of psychiatric disorders and greatly advanced this research field.

██████████, an assistant professor in the Department of Life Science at Pohang University of Science and Technology, in a January 24, 2008 letter, stated:

[The petitioner's] research has had a profound impact in that his work not only provides important new insight on the pathogenesis of schizophrenia, his contribution also lays a basic foundation for a brand-new, promising treatment to actually cure schizophrenia.

[The petitioner's] extraordinary research using an Alzheimer's disease transgenic model in mice has been well recognized as a major contribution in the study of Alzheimer's disease for the following reasons. First, his work suggests a survival problem for neural progenitors, a problem that was first observed in neurodegenerative disorders. Second, he found an efficient and promising way to rescue the dying progenitors by replacing intrinsic stem cells with engineered neural stem cells. Finally, [the petitioner's] work with the mice model has had significant impact for both the clinical treatment and pharmaceutical drug screening for Alzheimer's disease. Through the extensive effort and top skill of [the petitioner] in the research of neural stem cell generation, his discoveries are most precious when considering that stem cell therapy has been currently regarded as the most promising way to cure life-threatening Alzheimer's disease in the 21st century.

The petitioner also solicited comments on his work from 1) ██████████ Head of Laboratory for Aging and Cognitive Diseases at the Medical School Georg-August University in Germany, who stated in a February 9, 2008 e-mail that the petitioner's "research provides critical information in our understanding of the molecular mechanism of neurodegeneration" and that the

petitioner's "research [has] an enormous impact on human health and health care;" 2) ██████████ Deputy Director, Centre for Cellular and Molecular Biology in Hyderabad, India, who stated in a January 30, 2008 e-mail that the petitioner's "work assumes greater significance, especially in the acquisition of resistance to apoptosis, a property critical in normal cell homeostasis and in cancer pathology," and that the petitioner's research "can be expected to potentially find novel drugs that could one day treat debilitating diseases;" 3) ██████████, Professor and Chair of the Department of Biology, Dalhousie University, who stated in a January 30, 2008 e-mail that he had referenced the petitioner's work in his own paper, and that the petitioner's work on the regulation of the alpha-crystallin gene was "both novel and interesting." ██████████ further stated, "Moreover, the study of small heat shock proteins and apoptosis to which your publications [sic] are excellent contributions, is important in many fields, potentially including cancer research;" and 4) ██████████, head of the Apoptosis Department, Institute of Cancer biology in Copenhagen, Denmark, stated in February 4, 2008 e-mail that in her study of cell death pathways, she cited the petitioner's paper that was published in the *Journal of Biological Chemistry* in 2001. ██████████ described the petitioner's work as "groundbreaking and original and served as an inspiration" to her own work, and that the petitioner's work impacted work in the field of vision but also "influenced other fields including cancer research." ██████████ failed to explain exactly how the petitioner's work has influenced cancer research.

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. at 165.

In evaluating the reference letters, we note that letters containing mere assertions of widespread acclaim and vague claims of contributions are less persuasive than letters that specifically identify contributions and provide specific examples of how those contributions have influenced the field. ██████████ and ██████████ both suggest that the petitioner's work has influence or may influence cancer research, but failed to explain how. In addition, letters from independent references who were previously aware of the petitioner through his reputation and who have applied his work are far more persuasive than letters from independent references who are merely responding to a solicitation to review the petitioner's and work and provide an opinion based on this review. Ultimately, evidence in existence prior to the preparation of the petition carries greater weight than new materials prepared especially for submission with the petition. An individual with sustained national or international acclaim should be able to produce unsolicited materials reflecting that acclaim.

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. The petitioner's references, while commending his research, fall short of concluding that his research results constituted a contribution of major significance to his field. Further, several refer to the potential or future benefits that may result from the petitioner's work. While the evidence demonstrates that the petitioner is a talented and prolific researcher, it falls short of establishing that the petitioner has made contributions of major significance to his field of endeavor as of the date he filed his petition.

The petitioner also alleges that he meets this criterion based on his contribution of major significance to the economy and that his "significant contribution to neuroscience research is in the national interest of the United States by improving the healthcare for millions of Americans thus benefiting the U.S. economy as well." The petitioner asserts that his research has the potential to reduce the cost of medical care for individuals. Nonetheless, the petitioner has submitted no documentation to corroborate his statement that his research work, however significant, constitutes a contribution of major significance to the economy.

The petitioner has failed to establish that he 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.

The petitioner claims to meet this criterion based on his "independent and collaborative works with [others that] have appeared as original articles and abstracts in peer-reviewed scholarly publications." The petitioner submitted copies of 15 articles which he co-authored and which were published in journals including *Analytical Chemistry*, *The Journal of Cell Biology*, *The American Society for Cell Biology*, *The Journal of Biological Chemistry*, *Cell Death and Differentiation*, *Oncogene*, *Investigative Ophthalmology & Visual Science*, *Experimental Cell Research*, *Biochemical and Biophysical Research Communications*, and *Cell Research*. He also submitted documentation indicating that he had presented his work at various conferences as abstracts and as a speaker. The petitioner also submitted documentation of citations to his work by others and documentation that his work has been referenced many times by others. The director determined that the petitioner meets this criterion and we concur.

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

The petitioner claims to meet this criterion. The plain language of this criterion reveals that it relates to the visual arts. While the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of "comparable" evidence where a criterion is not "readily applicable," we find that conference presentations are far more comparable to published articles and, thus, we have considered the petitioner's conference presentations under the criterion set forth at 8 C.F.R. § 204.5(h)(3)(vi), discussed above.

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 his field of endeavor.

Review of the record, however, does not establish that the petitioner has distinguished himself as 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 his field. 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 associate, relies on the quantity of his publications, including the 15 that appeared in peer-reviewed scientific journals and 17 abstracts presented at scientific conferences, the “quality” of his research, which “resulted in twelve publications in [] topped ranked scholarly journals,” his citation record, and letters of reference from co-workers, peers and others in his field. While this may distinguish him from other postdoctoral researchers and research associates, we will not narrow his field to others with his level of training and experience. [REDACTED] curriculum vitae indicates that he is a member of Phi Beta Kappa and serves on the editorial boards of four journals. He states that he has published over 200 peer-reviewed papers and has given “numerous invited lectures at national and international scientific meetings.” [REDACTED] indicates that she has published over 100 papers and seven books. She has served on several editorial boards and is a member of the National Academy of Sciences, and was awarded the national Medal of Science. [REDACTED] serves as the chairman of the Department of Pharmacology at the University of Michigan Medical School, has published over 155 publications, is an associate editor of one professional journal and on the editorial board of another. Thus, it appears that the highest level of the petitioner’s field is far above the level he has attained. 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.