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

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U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted] Office: TEXAS SERVICE CENTER Date:
SRC 07 279 56825

SEP 21 2009

IN RE: Petitioner:
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 Director, Texas Service Center, denied the employment-based immigrant visa petition, which is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification as an "alien of extraordinary ability" in the sciences, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). 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.

On appeal, counsel submits a brief and additional evidence. For the reasons discussed below, we uphold the director's conclusion that the petitioner has not established her eligibility for the exclusive classification sought.

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

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

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

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

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

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

U. S. Citizenship and Immigration Services (USCIS) and legacy Immigration and Naturalization Service (INS) have consistently recognized that Congress intended to set a very high standard for individuals seeking immigrant visas as aliens of extraordinary ability. *See* 56 Fed. Reg. 60897, 60898-9 (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 have risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2). The specific requirements for supporting documents to establish that an alien has sustained national or international acclaim and recognition in his or her field of expertise are set forth in the regulation at 8 C.F.R. § 204.5(h)(3). The relevant criteria will be addressed below. It should be reiterated, however, that the petitioner must show that she has sustained national or international acclaim at the very top level.

This petition seeks to classify the petitioner as an alien with extraordinary ability as an obstetrician and gynecologist. 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 has submitted evidence that, she 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.

Initially, counsel asserted that the petitioner was submitting "Awards and Appreciation Certificates" including a 1997 presidential "award" for the petitioner's first published book; a 1988 "University President Award for Mastery and Valuable Services"; a commendation letter from [REDACTED] President of Beheshti University; an "acknowledgement letter" from [REDACTED] Director and Editor-in-Chief of the *Research in Medicine Journal* and an "acknowledgement letter" from [REDACTED] Deputy Director of Research, Beheshti University.

The petitioner submitted a 1997 letter signed by [REDACTED] addressed "Dear Author." The letter congratulates the unidentified author on the publication of his or her first book, which is also not identified. In addition, the petitioner submitted certificates of appreciation of the petitioner's services, "judging in connection with scientific articles" and efforts as a research consultant. The director requested evidence of recent awards and evidence of the criteria for any awards received. In response, counsel reiterated that the petitioner had received a 1997 "presidential award" from the President of Iran. Counsel asserted that the "criteria for receiving such high level and national awards are very demanding and one must [be] extremely deserv[ing] in a nation of 75 million to be selected for such an honor." Counsel further asserts that the selection process involves a review of selected published books by the Ministry of Higher Education, university professors and presidents, leading researchers as well as approval by the Iranian Medical Association, the President's Office on Medicine and "contributions made by physicians."

The director concluded that the petitioner had not substantiated the assertions about the selection process for the award and that an award from 1997 was not evidence of sustained acclaim in 2007 when the petition was filed. On appeal, counsel asserts that while there are no written criteria for the selection process, "such awards and their selection process[es] are universal." Counsel further asserts that the time elapsed since the issuance of the award should not diminish its significance.

Counsel is not persuasive. First, section 203(b)(1)(A) requires evidence of "sustained" acclaim. Thus, evidence that predates the petition by 10 years, without evidence of more recent acclaim, is insufficient. Second, as the letter is addressed to "Dear Author" and does not identify the petitioner's book, it is not

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

even clear that the petitioner is the recipient of this "award." Finally, the unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1, 3 n.2 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). We are not persuaded that a "Dear Author" letter is a "universal" award for which we must presume a competitive selection process. The use of "Dear Author" on the letter and the failure to identify the author's book strongly suggest that the Iranian president commonly issues congratulatory letters to first-time authors. The record lacks evidence regarding the number of such letters issued, media coverage of the selection for such letters, or similar evidence indicating that receiving such a letter is a recognized award or prize. Counsel's assertion that written material about the award does not exist does not create a presumption of eligibility under this criterion. According to the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(i), it is the petitioner's burden to demonstrate not only the receipt of award or prizes but also that the awards or prizes are nationally or internationally recognized. We will not presume that the issuance of a congratulatory letter addressed to "Dear Author" is a nationally or internationally recognized prize or award simply because it was signed by the President of Iran, a country with a population of 75 million people. The non-existence or unavailability of initial evidence creates a presumption of ineligibility. 8 C.F.R. § 103.2(b)(2).

Finally, letters of appreciation cannot be credibly asserted to constitute nationally or internationally recognized prizes or awards. Insofar as the letters thank the petitioner for performing duties relating to the remaining criteria, they will be addressed below.

In light of the above, the record does not contain nationally or internationally recognized prizes or awards issued to the petitioner. As such, the petitioner has not established 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.

Initially, counsel indicated that the petitioner is or was in the process of becoming a member of the Society of Gynecologic Oncologists (SGO), the Society of Obstetricians and Gynecologists of Canada (SGOC), the Iranian Association of Surgeons and the Iranian Medical Council. In response to the director's request for additional evidence, counsel asserted that the petitioner is the only member of SGO from Iran and participates in their conferences and educational programs. Counsel contended that it is an honor for any physician and discusses the prestige of SGO conferences. Counsel also provided vague assertions about the actual membership criteria. In addition, counsel asserted that the petitioner is a member of SGOC and the Iranian Medical Council and has made presentations at conferences sponsored by these entities. As stated above, the unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. at 534 n.2; *Matter of Laureano*, 19 I&N Dec. at 3 n.2; *Matter of Ramirez-Sanchez*, 17 I&N Dec. at 506. The petitioner submitted her membership cards for SGO and SGOC but no bylaws or other evidence from either society setting forth the membership criteria.

The director concluded that the petitioner had not responded to the request for evidence of the membership criteria for the societies of which she is a member. On appeal, counsel reiterates his previous assertions and references the evidence documenting that the petitioner presented her work at conferences sponsored by these societies.

According to the plain language of 8 C.F.R. § 204.5(h)(3)(ii), it is the petitioner's burden to demonstrate not only that she is a member of an association but that the association restricts membership to those with outstanding achievements as judged by national or international experts in the field. While the petitioner has complied with the first requirement, submitting her membership cards for SGO and SGOC, the record is absent any evidence of the membership requirements for either society. We will not presume exclusive membership criteria from the fact that the petitioner's abstracts were accepted for presentation at large symposiums organized by these societies. Conference presentations are comparable to published articles and will be considered below pursuant to the criterion set forth at 8 C.F.R. § 204.5(h)(3)(vi). As the record lacks the societies' bylaws or other evidence that would allow us to evaluate whether either of the petitioner's memberships is qualifying, the petitioner has not established 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 has never asserted that she meets this criterion and the director did not address it. While we acknowledge the submission of citations of the petitioner's work, the articles which cite the petitioner are about the authors' own work or recent trends in the field. Thus, the citing articles cannot be considered to be published material "about" the petitioner, relating to her work. In light of the above, the petitioner has not established that she meets this criterion.

Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought.

[REDACTED], a professor at the Albert Einstein College of Medicine (AECOM) where the petitioner worked, asserts that the petitioner reviewed manuscripts submitted for publication to the *International Journal of Gynecology and Obstetrics* and several Iranian publications. [REDACTED] further asserts that the petitioner meets this criterion based on her service on a Research Committee of Medical College of Shahid Beheshti University in 1997. Counsel also listed several appointments without explicitly asserting that they serve to meet this criterion, including an appointment as a member of the "Editorial Board" of *Understanding Cancer*. The petitioner submitted a 1990 appointment order confirming her appointment as a research committee member at Shahid Beheshti University where she was employed as a professor. Another notification, dated May 24, 1997, from the same university confirms that the petitioner "studied and evaluated" 16 research plans submitted by the Deputy Directorate for Research. A May 31, 1997 Notification confirms her study of two additional research

plans approved by the university research council. The petitioner was reappointed to the research committee in 1999. A 1995 Notification states (grammar as it appears in the original):

In execution of para. 3-7 of the By-Law for Promotion of Faculty Members, subject of effective cooperation plan at the official research council of the university and rendering specialized consultation services and in execution of para.2 of the University Specialized Research Council at its 205th session, subject of qualified judges opinion poll on the research projects offered prior to be raised in research council sessions and prior to the issuance of active cooperation certificate of research and consultation services, this certifies that [the petitioner] proved her interests and qualifications for giving precise scientific opinions on Gynecology & Obstetrics research projects, following attendance at the First Research Methodology Workshop, and the council has also been benefited from her consultancy and specialized opinions of her.

Since rendering services requires deep review of essays and reference books, total services of [the petitioner] covers 25 hours since the year 1986.

This notification is extremely ambiguous as to the petitioner's exact duties for and role on this committee.

The petitioner also submitted the Summer and Winter 2002 issues of *Understanding Cancer*. The title page is in English. The petitioner is not named among the 45 members of the Editorial Board. The record also contains a letter from [REDACTED] a professor at Shahid Baheshti University, confirming that the petitioner reviewed manuscripts for *Research in Medicine*, a journal of the university's faculty. Finally, the petitioner submitted a letter from [REDACTED], Editor of the *International Journal of Gynecology and Obstetrics*. [REDACTED] thanks the petitioner for her assistance reviewing manuscripts submitted to the journal. In response to the director's request for additional evidence of the significance of the petitioner's judging services, counsel discusses only the petitioner's manuscript reviews and submits letters acknowledging reviews for the *International Journal of Gynecology and Obstetrics*. The second letter asserts that the peer reviewers for this journal are selected from outstanding, internationally recognized experts in the field but also states that the petitioner was one of 439 reviewers over the past year.

The director concluded that inclusion as one of 439 reviewers was not indicative of or consistent with national or international acclaim. On appeal, counsel asserts that the petitioner served on the editorial board of *Understanding Cancer*. The petitioner submits the cover page of a different issue of the journal and a foreign language page from the journal. A name is highlighted and the petitioner's name is translated on the foreign language document. The translated name is not a certified translation and the highlighted name in a foreign alphabet is not discernable to us as the petitioner's name. As noted above, the English language editorial pages of the Summer and Winter 2002 issues lists 45 editors, none of whom are the petitioner. Thus, the petitioner has not established that she served on the Editorial Board of *Understanding Cancer*.

It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Id.* The petitioner has not resolved the inconsistencies between the English language list of editors, which does not include the petitioner's name, and the foreign language document which purportedly does list the petitioner.

The evidence submitted to meet this criterion, or any criterion, must be indicative of or consistent with sustained national or international acclaim. *Accord Yasar v. DHS*, 2006 WL 778623 *9 (S.D. Tex. March 24, 2006); *All Pro Cleaning Services v. DOL et al.*, 2005 WL 4045866 *11 (S.D. Tex. Aug. 26, 2005). The petitioner served on a research committee with unspecified duties at the university where she worked as a professor. The petitioner has not demonstrated that this service is indicative of or consistent with national or international acclaim outside of the university where she worked. The petitioner also reviewed manuscripts for two journals, one of which is limited to articles from the university where the petitioner worked at the time. We cannot ignore that scientific journals are peer reviewed and rely on many scientists to review submitted articles. Thus, peer review is routine in the field and, by itself, is not indicative of or consistent with sustained national or international acclaim. Without evidence that sets the petitioner apart from others in her field, such as evidence that she has reviewed manuscripts for a journal that credits a small, elite group of referees, received independent requests from a substantial number of journals, or served in an editorial position for a distinguished journal, we cannot conclude that the petitioner meets this criterion. The petitioner has not submitted consistent evidence that she has served on an editorial board.

In light of the above, the petitioner has not established 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 has never specifically claimed to meet this criterion and the director did not address it. We note the submission of reference letters, published research articles and evidence that the petitioner has presented her work at conferences.

The regulations contain a separate criterion regarding the authorship of published articles. 8 C.F.R. § 204.5(h)(3)(vi). We will not presume, however, that evidence relating to or even meeting the scholarly articles criterion is presumptive evidence that the petitioner also meets this criterion. To hold otherwise would render meaningless the statutory requirement for extensive evidence or the regulatory requirement that a petitioner meet at least three separate criteria. As will be discussed below pursuant to the criterion set forth at 8 C.F.R. § 204.5(h)(3)(vi), the evidence purportedly demonstrating the impact of the petitioner's scholarly articles is, in fact, minimal.

There would be little point in publishing research that did not add to the general pool of knowledge in the field. According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), an alien's contributions must

be not only original but of major significance. We must presume that the phrase "major significance" is not superfluous and, thus, that it has some meaning. To be considered a contribution of major significance in the field of science, it can be expected that the results would have already been reproduced and confirmed by other experts and applied in their work. Otherwise, it is difficult to gauge the impact of the petitioner's work.

██████████ a professor at AECOM and one of the petitioner's collaborators, asserts that the petitioner worked on a project at AECOM examining the role of nanobacteria in ovarian, uterine and omental serous carcinoma. Specifically, ██████████ explains that the petitioner formulated hypotheses, identified cases of interest and gathered clinical and laboratory data. ██████████ asserts that the petitioner's work on this project "will result in the publication of this research data." Dr. ██████████ then discusses the petitioner's recent research proposal, which had yet to produce results as of the date of filing. ██████████ does not explain how the results of the petitioner's unpublished research have already impacted the field such that her work at AECOM can be considered a contribution of major significance as of the date of filing, the date as of which the petitioner must establish her eligibility. See 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l. Comm'r. 1971). Finally, ██████████ notes that the petitioner has been involved in previous projects, the results of which she has published. ██████████ does not, however, provide any specifics about these projects or explain how they have already impacted the field at a level consistent with a contribution of major significance.

██████████ who has coauthored articles with the petitioner, also discusses the petitioner's work on nanobacteria. ██████████ notes that nanobacteria had already been associated with heart disease, aortic and carotid plaques, kidney stones, polycystic kidney and prostate disease. ██████████ asserts that the petitioner is investigating whether nanobacteria "may play an important role in the calcification of the psammoma bodies, as well as in pathogenesis" of uterine and ovarian cancer. ██████████ speculates that this study "had an important clinical impact because it could determine biomarkers that will predict responsiveness to this agent, and ultimately result in an increase in survival of patients, with better quality of life." ██████████ does not assert that this work has already had a major impact on the field consistent with a contribution of major significance, such as by providing examples of independent hospitals adopting the petitioner's results into their diagnosis/treatment guidelines.

██████████ also discusses the petitioner's prior research in Iran. Specifically, ██████████ asserts that the petitioner's first research project in 1982 involved the study of thyroid tuberculosis. ██████████ opines that this study "offers the very important *possibility* of helping clinicians to identify subsets of patients with cancer." (Emphasis added.) ██████████ further asserts that the petitioner also investigated tuberculosis of the female genital tract in Iran. While ██████████ asserts that the petitioner presented the results of this second study, he does not provide examples of how either tuberculosis study has impacted the field. ██████████ also fails to explain the significance of the petitioner's study of the causes of therapeutic abortions in Iran.

asserts that the petitioner collaborated on several projects at New York University and AECOM, including investigations of osteoporosis, cervical cancer and anencephaly. Once again, while [REDACTED] asserts that this work was presented at conferences or published in journals, he does not explain how this work has impacted the field. As stated above, the regulations contain a separate criterion for the publication of scholarly articles and we will not presume that submitting evidence relating to that criterion, set forth at 8 C.F.R. § 204.5(h)(3)(vi) creates a presumption that the petitioner also meets this criterion, set forth at 8 C.F.R. § 204.5(h)(3)(v).

[REDACTED], a professor at AECOM, discusses the petitioner's skill in instructing in the dissection laboratory of one of [REDACTED] courses. [REDACTED] does not explain how the petitioner has impacted the field of obstetrics/gynecology.

a professor at the New York University School of Medicine who has coauthored an article with the petitioner, predicts that the petitioner's work will benefit the national interest of the United States. At issue for the classification sought, and this criterion in particular, however, is whether the petitioner has demonstrated contributions of major significance consistent with national or international acclaim in her field. [REDACTED] asserts that the petitioner's "stature as a Physician-Scientist" distinguishes her from other "leading experts in the field" because only two percent of medical graduates are physician-scientists. [REDACTED] is not persuasive. The issue of whether similarly-trained workers are available in the U.S. is an issue under the jurisdiction of the Department of Labor. *New York State Dep't of Transp.*, 22 I&N Dec. 215, 221 (Comm'r. 1998). Even if we accepted that most physicians are not engaged in clinical research, this fact would not create a presumption that every clinical research study is a contribution of major significance. Dr. [REDACTED] notes that the petitioner published two books and 20 articles in Iran, but does not provide examples of how any of these works have impacted the field.

The petitioner also provided several letters from colleagues in Iran providing general praise of her competence as a physician. None of these general job reference letters explain how the petitioner has made contributions of major significance.

While the record includes attestations of the potential impact of the petitioner's work, none of the petitioner's references provide examples of how the petitioner's work is already influencing the field. While the evidence demonstrates that the petitioner is respected by her immediate circle of collaborators, 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.

The petitioner authored two books and several articles in Iranian publications as well as in English-language publications. As noted by the director, one of the petitioner's English-language publications was accepted but not yet published as of the date of filing. On appeal, counsel reiterates that the

manuscript had been accepted for publication prior to the date of filing. The petitioner must demonstrate her eligibility as of the date of filing. *See* 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l. Comm'r. 1971). The regulation at 8 C.F.R. § 204.5(h)(3)(vi) requires evidence of scholarly articles in professional or major trade publications or other major media. Thus, the only evidence we can consider is evidence of scholarly articles that had already appeared in such publications prior to the date of filing. Significantly, an article only accepted for publication cannot garner the author any national or international exposure, let alone acclaim, until the article is actually published and distributed. Regardless, the petitioner had several abstracts, articles and two books published as of the date of filing. Thus, we will consider those publications.

The Department of Labor's Occupational Outlook Handbook, (OOH), available at <http://www.bls.gov/oco/ocos047.htm#training> (accessed September 3, 2009) and incorporated into the record of proceeding), provides that a solid record of published research is essential in obtaining a permanent position in basic biological research. As a researcher must demonstrate published research prior to even obtaining a permanent job in the petitioner's field, published research alone cannot serve to set the petitioner apart from others in her field. Specifically, published research alone, which is indicative of some national or international *exposure*, is not necessarily indicative of or consistent with national or international *acclaim*. Rather, we look to the community's reaction to that published work.

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

Some of [the petitioner's] articles have been quoted and used as Related Articles in other authors' publications. For example, *Hormone Replacement Therapy in Breast Cancer Patients and Survivors* originally published in 2003 has now been used as Related Articles in more than 19 articles. Her article, *Preserving Fertility in Invasive Cervical Adenocarcinoma by Abdominal Radical Trachelectomy and Pelvic Lymphadenectomy* was referred to with the July 27, 2007 submission as Exhibit C. They are now mentioned as Related Articles in 23 articles and submitted as Exhibits D2 and E2 extracted from PubMed site. In most of the articles submitted in association with this application, [the petitioner] has been the first author and corresponding author.

As stated above, the unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. at 534 n.2; *Matter of Laureano*, 19 I&N Dec. at 3 n.2; *Matter of Ramirez-Sanchez*, 17 I&N Dec. at 506. Moreover, counsel does not explain what he means by "related articles." It does not appear that the petitioner's research has actually been cited by 19 and 23 articles. Rather, the PubMed exhibits referenced by counsel are not relevant to the impact of the petitioner's published work in the field. Exhibit A2 contains the PubMed search results for the phrase "malignant struma varii." The results number 118, 22 of which are review articles. The petitioner's article is number 13 of these results, but the results do not provide the number of citations. All of the articles contain a link for "related articles," but the existence of related articles, which would appear to be articles about the same subject, does not demonstrate the impact of the petitioner's article.

Exhibit D2 provides PubMed search results for an unknown word, phrase or name provided by the National Center for Biotechnology. The search produced 19 results. Without information about the nature of the search, however, the results are meaningless. Exhibit D3 includes the results of a similar search that produced 23 results, one of which is an article by the petitioner. Once again, without knowing the keyword, phrase or name for this search, the results are meaningless. Counsel has never explained how the existence of "related" articles that address the same subject matter as those authored by the petitioner demonstrates the petitioner's influence in her field.

On appeal, the petitioner submits evidence of minimal citation. Specifically, the petitioner submits six articles, one of which postdates the filing of the petition and three of which are authored by the petitioner herself or a coauthor. This record of citation is not consistent with national or international acclaim.

In light of the above, the petitioner has not demonstrated that she meets this criterion. Even if we were to conclude that the petitioner's number of publications alone was sufficient to meet this criterion, for the reasons discussed above and below, the petitioner would still not meet at least three criteria.

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

The petitioner has never claimed to meet this criterion. Nevertheless, the petitioner submitted several appointment letters, including appointments as the Director of Instructions for the Gynecology and Obstetrics Ward at Sahid Baheshti University in 1995, a member of the research committee at the same institution in 1990 and 1999, and as a member of the examinations board at the same institution in 1996. Without an organizational chart or other evidence explaining how the above roles fit within the hierarchy of the university and information regarding whether the petitioner maintained these roles closer to the date the petition was filed, we cannot determine whether the petitioner 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 have risen to the very top of the field of endeavor.

Review of the record, however, does not establish that the petitioner has distinguished herself as a gynecologist and obstetrician to such an extent that she may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of her field. The evidence indicates that the petitioner shows talent as a gynecologist and obstetrician, but is not persuasive that the petitioner's achievements set her significantly above almost all others in 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.