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

U.S. Citizenship and Immigration Services

B2

[redacted]

FILE: [redacted] Office: NEBRASKA SERVICE CENTER Date: AUG 20 2010

IN RE: Petitioner: [redacted]
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:

[redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska 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" pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). The petitioner listed the job title for the proposed employment as "Biblical Translator." 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.

Congress set a very high benchmark for aliens of extraordinary ability by requiring through the statute that the petitioner demonstrate the alien's "sustained national or international acclaim" and present "extensive documentation" of the alien's achievements. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(3). The implementing regulation at 8 C.F.R. § 204.5(h)(3) states that an alien can establish sustained national or international acclaim through evidence of a one-time achievement of a major, internationally recognized award. Absent the receipt of such an award, the regulation outlines ten categories of specific objective evidence. 8 C.F.R. § 204.5(h)(3)(i) through (x). The petitioner must submit qualifying evidence under at least three of the ten regulatory categories of evidence to establish the basic eligibility requirements.

On appeal, counsel submits a brief. For the reasons discussed below, we uphold the director's ultimate determination that the petitioner has not established his eligibility for the exclusive classification sought. Moreover, irrespective of the merits of translating the Bible for populations in Nigeria and arranging outreach ministries for Africa, the petitioner has not demonstrated how these activities will substantially benefit prospectively the United States, a statutory requirement set forth at section 203(b)(1)(A)(iii) of the Act. An application or petition that fails to comply with the technical requirements of the law may be denied by the AAO even if the Service Center does not identify all of the grounds for denial in the initial decision. *See Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd*, 345 F.3d 683 (9th Cir. 2003); *see also Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004) (noting that the AAO conducts appellate review on a *de novo* basis).

I. Law

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* H.R. 723 101st Cong., 2d Sess. 59 (1990); 56 Fed. Reg. 60897, 60898-99 (Nov. 29, 1991). The term "extraordinary ability" refers only to those individuals in that small percentage who have risen to the very top of the field of endeavor. *Id.*; 8 C.F.R. § 204.5(h)(2).

The regulation at 8 C.F.R. § 204.5(h)(3) requires that the petitioner demonstrate the alien's sustained acclaim and the recognition of his or her achievements in the field. Such acclaim must be established either through evidence of a one-time achievement (that is, a major, international recognized award) or through the submission of qualifying evidence under at least three of the following ten categories of evidence.

> (i) Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
>
> (ii) Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields;
>
> (iii) Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation;
>
> (iv) Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought;
>
> (v) Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;

> (vi) Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media;
>
> (vii) Evidence of the display of the alien's work in the field at artistic exhibitions or showcases;
>
> (viii) Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation;
>
> (ix) Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field; or
>
> (x) Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.

In 2010, the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit) reviewed the denial of a petition filed under this classification. *Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010). Although the court upheld the AAO's decision to deny the petition, the court took issue with the AAO's evaluation of evidence submitted to meet a given evidentiary criterion.[1] With respect to the criteria at 8 C.F.R. § 204.5(h)(3)(iv) and (vi), the court concluded that while USCIS may have raised legitimate concerns about the significance of the evidence submitted to meet those two criteria, those concerns should have been raised in a subsequent "final merits determination." *Id.* at 1121-22.

The court stated that the AAO's evaluation rested on an improper understanding of the regulations. Instead of parsing the significance of evidence as part of the initial inquiry, the court stated that "the proper procedure is to count the types of evidence provided (which the AAO did)," and if the petitioner failed to submit sufficient evidence, "the proper conclusion is that the applicant has failed to satisfy the regulatory requirement of three types of evidence (as the AAO concluded)." *Id.* at 1122 (citing to 8 C.F.R. § 204.5(h)(3)). The court also explained the "final merits determination" as the corollary to this procedure:

> If a petitioner has submitted the requisite evidence, USCIS determines whether the evidence demonstrates both a "level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the[ir] field of endeavor," 8 C.F.R. § 204.5(h)(2), and "that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise." 8 C.F.R. § 204.5(h)(3). Only aliens whose achievements have garnered "sustained

[1] Specifically, the court stated that the AAO had unilaterally imposed novel substantive or evidentiary requirements beyond those set forth in the regulations at 8 C.F.R. § 204.5(h)(3)(iv) and 8 C.F.R. § 204.5(h)(3)(vi).

> national or international acclaim" are eligible for an "extraordinary ability" visa. 8 U.S.C. § 1153(b)(1)(A)(i).

Id. at 1119-20.

Thus, *Kazarian* sets forth a two-part approach where the evidence is first counted and then considered in the context of a final merits determination. In reviewing Service Center decisions, the AAO will apply the test set forth in *Kazarian*. As the AAO maintains *de novo* review, the AAO will conduct a new analysis if the director reached his or her conclusion by using a one-step analysis rather than the two-step analysis dictated by the *Kazarian* court. *See* 8 C.F.R. 103.3(a)(1)(iv); *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004); *Spencer Enterprises, Inc. v. United States*, 229 F. Supp. 2d 1025, 1043 (E.D. Cal. 2001), *aff'd*, 345 F.3d 683 (9th Cir. 2003) (recognizing the AAO's *de novo* authority).

II. Analysis

A. Evidentiary Criteria[2]

> *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's scholarships and research fellowships serve as qualifying evidence under 8 C.F.R. § 204.5(h)(3)(i). Specifically, counsel asserts that the petitioner received the Sarvodaya scholarship in Development Studies in 2003 and 2004, the research fellowship from the International Institute of Tropical Agriculture in 2004 and the Zard scholarship from the University of Ibadan in 1986. The petitioner did not initially submit any evidence of these scholarships and the petitioner did not list them on his self-serving resume. In response to the director's request for additional evidence, the petitioner submitted a May 1, 2002 letter from the Dean of Washington University in St. Louis advising that the university's School of Social Work selected the petitioner to receive the Sarvodaya Scholarship.

The director concluded that the petitioner had not submitted evidence of the significance of the Sarvodaya scholarship and that scholarships are not nationally or internationally recognized prizes or awards for excellence in a field of endeavor. On appeal, counsel no longer advances this claim. We will address the evidence of record.

The only documented "award" is the Sarvodaya scholarship. We concur with the director that the record contains no evidence that the scholarship was awarded to recognize excellence in a field rather than to provide financial assistance with studies based on academic success. Moreover, the record contains no evidence that this scholarship from the School of Social Work recognizes excellence in the petitioner's claimed field of expertise, biblical translation, theology and missionary outreach.

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[2] The petitioner does not claim to meet or submit evidence relating to the regulatory categories of evidence not discussed in this decision.

In light of the above, the petitioner has not submitted qualifying evidence that meets the plain language requirements of the regulation at 8 C.F.R. § 204.5(h)(3)(i).

> *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.*

Counsel did not initially assert that the petitioner was submitting qualifying evidence under 8 C.F.R. § 204.5(h)(3)(ii) although the petitioner submitted evidence characterized in the exhibit list as "Professional Boards and Affiliations." Specifically, the petitioner submitted evidence about the Society of Biblical Literature, the African Chamber of Commerce and The African Network (TAN). The materials do not confirm the petitioner's membership in any of the associations and do not address the requirements for membership. The African Chamber of Commerce and TAN appear to be business associations rather than theological ones.

In response to the director's request for additional evidence, including the bylaws and constitutions of the associations of which the petitioner is a member, counsel asserted that the petitioner's membership in the Society of Biblical Literature and TAN serves as qualifying evidence under this regulation.

The petitioner submitted a letter from Josey B. Snyder of the Society of Biblical Literature confirming that the petitioner is a member of the society. Mr. Snyder asserts that the society "is the oldest and largest international scholarly membership organization in the field of biblical studies" with "over 8,500 international members including teachers, students, religious leaders and individuals from all walks of life who share a mutual interest in the critical investigation of the Bible." Nothing in Mr. Snyder's letter suggests that the society requires outstanding achievements of its members as judged by recognized national or international experts.

The petitioner also submitted a letter from [redacted] explains that [redacted] is "a global non-profit organization with the sole mandate of fostering entrepreneurship and technology among people of African descent." While [redacted] states that the petitioner "started interacting" with [redacted] in 2007, he does not suggest that [redacted] is an association that admits members or that the petitioner is a member of [redacted] also does not suggest that the Seattle chapter of [redacted] admits only those with outstanding achievements as judged by recognized national or international experts.

The director concluded that the petitioner had not submitted the requested bylaws or constitutions that would establish the membership criteria for the above associations and, thus, had not established that the associations require outstanding achievements of their members. Counsel does not address this criterion on appeal. We concur with the director that the record lacks evidence that the Society of Biblical Literature and [redacted] require outstanding achievements of their members as judged by recognized national or international experts.

In light of the above, the petitioner has not submitted qualifying evidence that meets the plain language requirements in the regulation at 8 C.F.R. § 204.5(h)(3)(ii).

> *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 initially submitted evidence characterized by counsel as qualifying evidence under 8 C.F.R. § 204.5(h)(3)(iii). Specifically, the petitioner submitted:

1. An article in *Religious Studies Review* containing a footnote supporting two propositions in which the author indicates that he is "indebted to conversations with [the petitioner]." The article is by a professor at the university where the petitioner obtained his Master's Degree in Social Work (MSW).

2. A book entitled *God the Real Superpower* by J. Nelson Jennings that includes an acknowledgements section thanking the petitioner among several other "friends" for offering feedback on a first draft.

3. A weblog (commonly referred to as a "blog") discussing a conversation the author had with the petitioner on an airplane from Los Angeles to New York covering the petitioner's translation of the Bible into Yoruba, weblogs as market conversations, the economics of altruism and the petitioner's goal of developing community FM radio stations in Nigeria.

4. A weblog posted by [redacted] remarking on the petitioner's insight into markets as conversations, and

5. The petitioner's weblog listing several "fans."

The director's request for additional evidence expressed concerns that the above articles were not "about" the petitioner and requested evidence of the significance of the "publications" in which they appeared.

In response, the petitioner submitted evidence that *Religious Studies Review* is a quarterly review published by the Counsel of Societies for the Study of Religion. The materials do not provide circulation or distribution data. The petitioner also submitted information posted at www.convenantseminary.edu about [redacted] author of [redacted] While this information provides a summary of the book, it does not provide any information about sales of the book. The petitioner further submitted an article mentioning a conversation with the petitioner by [redacted] The petitioner also included information about [redacted]

some of which is from *Wikipedia.* With regard to information from *Wikipedia*, there are no assurances about the reliability of the content from this open, user-edited internet site.[3] *See Lamilem Badasa v. Michael Mukasey,* 540 F.3d 909 (8th Cir. 2008). Finally, the petitioner submitted a 2007 article posted at www.realfresh.tv by [redacted] referencing [redacted] conversation with the petitioner. The petitioner did not submit any information about www.realfresh.tv.

The director concluded that the evidence did not meet the plain language requirements of the regulation at 8 C.F.R. § 204.5(h)(3)(iii). On appeal, counsel does not address this criterion.

According to the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(iii), the published material must be both "about the alien" relating to his work and appear in "professional or major trade publications or other major media." We concur with the director that none of the materials are "about" the petitioner relating to his work. Most significantly, an article crediting a conversation with the petitioner in footnote and a book with an acknowledgement thanking the petitioner as a friend for reviewing a draft are not published material about the petitioner relating to his work. We also concur with the director that the petitioner failed to submit evidence that any of the material, especially the weblogs, appeared in professional or major trade journals or other major media. While we recognize that some online media qualify as major media, it is the petitioner's burden to demonstrate that an individual weblog can be characterized as such.

In light of the above, the petitioner has not submitted qualifying evidence that meets the plain language requirements of the regulation at 8 C.F.R. § 204.5(h)(3)(iii).

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

Throughout the proceeding counsel has asserted that the petitioner's translation of the Thompson Chain Reference Bible into Yoruba constitutes qualifying evidence under 8 C.F.R. § 204.5(h)(3)(v). The director ultimately concluded that the petitioner had not demonstrated the significance of this

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[3] Online content from *Wikipedia* is subject to the following general disclaimer:

> WIKIPEDIA MAKES NO GUARANTEE OF VALIDITY. *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:General_disclaimer, accessed on August 12, 2010, a copy of which is incorporated into the record of proceeding.

work. On appeal, counsel asserts that by considering whether the petitioner had demonstrated his influence in the field, the director had gone beyond the regulatory requirements at 8 C.F.R. § 204.5(h)(3)(v).

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 word "original" and the phrase "major significance" are not superfluous and, thus, that they have some meaning. We concur with the director that a contribution of "major significance" is one that has demonstrably and significantly influenced or otherwise impacted the field.[4]

Moreover, the regulation requires evidence of contributions in the plural, consistent with the statutory requirement for extensive documentation at section 203(b)(1)(A)(i) of the Act. Significantly, not all of the criteria at 8 C.F.R. § 204.5(h)(3) are worded in the plural. Specifically, the regulations at 8 C.F.R. §§ 204.5(h)(3)(iv) and (ix) only require service on a single judging panel or a single high salary. Thus, we can infer that the plural in the remaining regulatory criteria has meaning. In a different context, federal courts have upheld USCIS' ability to interpret significance from whether the singular or plural is used in a regulation.[5] Thus, the petitioner must document more than one contribution.

The petitioner submitted what purports to be his translation into Yoruba of the Thompson Chain-Reference Bible. The petitioner's name does not appear anywhere on the cover, the copyright page, the title page or any other obvious location for the translator's name. First, the petitioner has never explained how this translation is "original." While the petitioner submitted evidence that over 500 language groups in Central Africa & Nigeria have translation needs, the petitioner submitted no evidence particular to the Yoruba language.[6] Even assuming that this translation is the first translation into Yoruba, the petitioner would still need to explain how a translation of an existing edition of the Bible is "original."

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[4] The Ninth Circuit upheld the AAO's conclusion that the alien had not submitted qualifying evidence under 8 C.F.R. § 204.5(h)(3)(v) where the letters did not provide specific examples of how the alien's contributions had influenced the field and there was no evidence that his textbook had been adopted by any schools. *Kazarian v. USCIS,* 580 F.3d 1030, 1036 (9th Cir. 2009) *aff'd in part* 596 F.3d 1115, 1122 (9th Cir. 2010).

[5] *See Maramjaya v. USCIS,* Civ. Act. No. 06-2158 (RCL) at 12 (D.C. Cir. March 26, 2008); *Snapnames.com Inc. v. Chertoff,* 2006 WL 3491005 at *10 (D. Or. Nov. 30, 2006) (upholding an interpretation that the regulatory requirement for "a" bachelor's degree or "a" foreign equivalent degree at 8 C.F.R. § 204.5(l)(2) requires a single degree rather than a combination of academic credentials).

[6] A simple Internet search of "Yoruba Bible" reveals the existence of several Yoruba Bibles, including a Yoruba Reference Bible Online at www.africanportal.net/ABO/BibeliAtoka/. A simple search at Amazon.com includes several printed versions of Bibles in Yoruba, including one by the American Bible Society, published in 1991. The above information, publicly available, was accessed on August 12, 2010 and incorporated into the record of proceedings.

Second, the petitioner has not demonstrated that his translation is a contribution of major significance. While the petitioner claims to have obtained permission for the translation from the B. B. Kirkbride Bible Company that printed the original English version, the petitioner did not submit the contract between himself and Kirkbride or evidence that Kirkbride is printing the petitioner's translation or, if it is, the number printed. The petitioner purports to have completed the translation in 2001. The 2009 petition, however, includes no evidence that in these intervening eight years the petitioner's translation had been widely distributed, or distributed at all, in Nigeria.

The petitioner submitted presentations he purportedly gave at a college in Illinois (downloaded from the petitioner's weblog), the Institute of World Christianity (IWC) (founded by a professor at the institution where the petitioner received his MSW), the Haggai Institute in Hawaii and a church in Singapore where the Haggai Institute is based. The petitioner also submitted what appear to be unpublished manuscripts that the petitioner asserts he presented at the Aquinas Institute of Theology and at a Lagos Leadership Conference. The petitioner submitted no evidence as to the impact of these lectures.

[redacted], an associate professor at St. Louis University where the petitioner obtained his MSW, praises the petitioner's background in spiritual and economic development strategies for African nations. [redacted] continues:

> One of many of [the petitioner's] contributions to the field of theology is the translation of the *Thompson Chain Reference Bible* from English into the Yoruba language, a project that took eight years to complete. The heavily-annotated *Thompson Chain Reference Bible* has been one of the most relied upon sources for exhaustive Bible study. This reference work provides readers with a comprehensive and scholarly tool for the exposition of the Scriptures, and the teachings and proclamation of their message. The translation of this work into the Yoruba language, spoken in Nigeria, Benin, Togo and among communities in Brazil, Sierra Leone and Cuba, is therefore, an outstanding contribution to the study and understanding of the Scriptures.

[redacted] also asserts that the petitioner has given lectures in Singapore, the Netherlands, Hawaii and across the United States. [redacted] does not address what resulted from these lectures. [redacted] confirms referencing a conversation with the petitioner in an article in *Religious Studies Review,* discussed above under 8 C.F.R. § 204.5(h)(3)(iii), and inviting him as a keynote speaker at an IWC conference in 2007. [redacted] is the founder of IWC. While he asserts that the conference was "major" and lists prior speakers, he provides no information about the number of participants. The Internet materials promoting the IWC conference indicate that the conference would be a week-long gathering for "up to" 70 younger Christian leaders and that the petitioner would give a dinner presentation on "Collaboration in Service." The record contains no evidence regarding the actual number of attendees.

In addition, [redacted] asserts that the petitioner "is a regular contributor to several online journals which enjoy global audiences." [redacted] does not identify these journals. The record

only includes weblog entries by the petitioner rather than articles in peer-reviewed journals whether printed or online. [redacted] does not identify any specific contributions that have arisen from the petitioner's "online journal" writings or explain their influence in the field.

Finally, [redacted] discusses the petitioner's work for two associations. Specifically, [redacted] asserts that the petitioner "coordinated the Center for Leadership Studies, which focuses on religious educational development in Africa and Asia." In this capacity, according to [redacted] the petitioner facilitated a number of leadership development programs and trained young leaders from around the world. [redacted] also notes that the petitioner is the Executive Director of Mission Africa International, which the petitioner founded, that aims to "promote social justice, resource redistribution and conflict mitigation in multi-tribal, multi-religion societies." [redacted] provides no specific examples of how the petitioner's work in these roles has influenced the field.

[redacted], an [redacted] with World for Jesus Ministries, Inc., asserts that World for Jesus Ministries supported the petitioner's translation project but does not indicate how many Bibles were ultimately printed and distributed. [redacted] further asserts that the petitioner is now involved in translating the Bible into Yoruba again, this time use a "Bible Works" computer linguistics program. [redacted] estimates that it will take seven to ten years to complete this translation. In addition, [redacted] asserts that the petitioner will "coordinate teams of translators into other African Trade Languages." The petitioner must demonstrate that he has already made contributions of major significance 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). If the petitioner's initial translation into Yoruba was a contribution of major significance, it is not clear why the petitioner intends to spend another seven to ten years on a second translation, this time using a computer linguistics program.

[redacted], [redacted] Bakke Graduate University of Ministry where the petitioner is pursuing his Doctor of Ministry, asserts that "studies" in theology at the university has "revitalized" the "seed" for a Center for African Leadership Studies. [redacted] concludes that the Center will be a "future catalyst of Change" and will be "used to mobilize leaders." [redacted] does not explain how the petitioner has already made contributions of major significance to his field.

[redacted], [redacted] Gateway Center for World Mission, asserts that the mission seeks to find leaders in Uganda, Rwanda, Nigeria, Haiti and the Dominican Republic that can facilitate cross cultural relationships which will produce sound growth without long term dependency. [redacted] asserts that the petitioner "has been such a leader in Nigeria and neighboring West African nations." [redacted] explains that the petitioner helped the mission adapt Western Christian mission training materials for an African context and bring those materials to "emerging leaders in Nigeria." [redacted] asserts that the petitioner's influence extends from pastors, business leaders and high ranking government officials. [redacted] notes the petitioner's instruction for the "prestigious Haggai Institute which trains Christian leaders from developing nations around the world."

The record contains no evidence to suggest that the petitioner's assistance for the Gateway Center for World Mission constitutes a contribution of major significance. For example, the record contains no evidence that the mission has been the subject of major trade journals or general media noting the significance of its mission training materials. The record lacks Nigerian press coverage or other comparable evidence confirming the petitioner's influence in Nigeria. Finally, the record contains no letters from anyone at the Haggai Institute.

[redacted] an [redacted] at the Covenant Theological Seminary in St. Louis, explains that he has collaborated with the petitioner several times. [redacted] praises the leadership training events the petitioner held in St. Louis that were "attended by a representative sample of quality African Christian leaders." The record contains no evidence that these events were well attended and influential in the field. For example, the record contains no evidence of coverage by independent trade or general media. [redacted] also notes that the petitioner helped a Covenant student attend an internship in Nigeria. While helpful to that student, it is not clear how this assistance represents a contribution of major significance in the field.

The [redacted], [redacted] Cornerstone Community Church in Singapore, explains that he met the petitioner at a conference in St. Louis. [redacted] further asserts that the petitioner also lectured in Singapore as part of the faculty of the Haggai Institute for Leadership Training. [redacted] states that as part of that faculty since 1998, the petitioner has trained students from many parts of the world. In addition, [redacted] asserts that the petitioner preached to the English and African congregations at the Cornerstone Community Church, which has outreach programs in several countries and is "associated with many ministries worldwide." [redacted] concludes that the petitioner's leadership impact is international because the church's School of Leadership includes students from several countries. We are not persuaded that every teacher whose class includes students from more than one country has made a contribution of major significance. Moreover, the petitioner is an alumnus of the Haggai Institute, which, according to the materials in the record, requires that alumni agree to train 100 future Christian leaders. Training emerging leaders using the strategies taught by the Haggai Institute is not "original." Finally, [redacted] asserts that the petitioner has worked to alleviate poverty in Africa and is working to establish Christian Radio Africa. The record contains no evidence that this radio station is operational and influential.

[redacted], [redacted] Mission Africa International, affirms that the petitioner "served in the leadership" of the organization, was instrumental in structuring the organization and impacted the direction of the organization. Specifically, [redacted] asserts that the petitioner "initiated and spearheaded" the eight-year long "Project Ezra" that involved the translation of the Thompson Chain-Reference Bible into Yoruba. Once again, [redacted] does not assert that these translated Bibles have been printed on a large scale or widely and successfully utilized. [redacted] also asserts that the petitioner "spearheaded a process that pulled together" several Christian organizations in Nigeria and that the "impacts of these programs are still reverberating in the region today." The record does not include letters from officials at the participating organizations or other evidence of the significance of

the petitioner's "process," such as newspaper coverage of the meetings or other methods that "pulled together" these organizations.

[redacted] continues that the petitioner worked through Mission Africa International to bring "together the whole region to pray in the Ilorin Stadium." According to [redacted] over 10,000 Christians came together to pray to avert war. He professes his belief that the prayers were answered. Once again, the record contains no confirmation that the event occurred or evidence of the significance of this event, including but not limited to media coverage. 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'r. 1998) (citing *Matter of Treasure Craft of California,* 14 I&N Dec. 190 (Reg'l. Comm'r. 1972)).

[redacted] further asserts that the petitioner attempted to start a radio station in Liberia, but could not complete the project due to the war in that country. While outside events may have intervened, it remains that the radio station was not completed and, thus, cannot be considered a contribution of major significance. Even if it had been completed, it would be the petitioner's burden to establish that the influence of the station was consistent with a contribution of major significance.

In addition, asserts that the petitioner initiated a yearly "Emerging Leaders Conference for young leaders in Nigerian universities." While [redacted] asserts that these conferences spread to other countries, the record contains no evidence of these conferences in Nigeria or elsewhere, such as conference programs and letters from organizers of similar events in other countries.

Finally, [redacted] asserts that in 2005, the petitioner initiated "Ideas That Change Nations," a program among Parliamentarians in the Nigerian National Assembly. While [redacted] asserts that one conference was held "among American based leaders in the State of California" and another was held in the Nigerian National Assembly, the record contains no confirmation of these conferences, such as promotional materials or media coverage. The record also lacks evidence of the impact these meetings have had such that they can be considered contributions of major significance in the petitioner's field.

[redacted] Concerned Christian Communities (CCC) in Liberia, asserts that he collaborated with Mission Africa International. He asserts that he is working with the petitioner on economic empowerment and food security initiatives, training Christian leaders in Liberia and training university professors in Liberia. While [redacted] discusses the petitioner's negotiations with Bellevue College in Washington State and Bakke Graduate University to provide training, the projects were set to begin in 2009 and, thus, could not have already had an impact consistent with a contribution of major significance as of the date of filing the petition, the date as of which the petitioner must establish his eligibility. *See* 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak,* 14 I&N Dec. at 49.

[redacted] Jubilee Reach Center in Bellevue Washington, notes that the petitioner is the leader of a diverse and vibrant church with relevant programs that

integrate immigrant families into the productive fabric of our society, providing educational assistance, mentoring and tutoring to the youth." [redacted] asserts: "Microsoft professionals have signed on with [the petitioner's] program to mentor and support youth through education in our community." [redacted] further asserts that the program has spread to 158 professionals who have agreed to become tutors in the petitioner's program to mentor youth nationwide. Once again, the record contains no objective evidence of this program such as a brochure listing the schedule of tutoring offerings, a list of participants, etc. Regardless, the record also contains no evidence as to the influence of this program such that it can be considered a contribution of major significance.

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 (Comm'r. 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The opinions of experts in the field are not without weight and have been considered above. The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; USCIS may, as we have done above, evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). 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 (Comm'r. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l. Comm'r. 1972)).

Vague, solicited letters from colleagues who have collaborated with the petitioner that do not provide specific examples of how the petitioner's contributions have influenced the field are insufficient.[7] The letters considered above primarily contain bare assertions of acclaim and vague claims of contributions without providing specific examples of how those contributions rise to a level consistent with major significance in the field. Merely repeating the language of the statute or regulations does not satisfy the petitioner's burden of proof.[8] While counsel asserts on appeal that the letters are from leaders in the field, all of the letters submitted are from the petitioner's colleagues. The petitioner also failed to submit corroborating evidence in existence prior to the preparation of the petition, which could have bolstered the weight of the reference letters.

In summary, counsel's main assertion is that the petitioner's translation of a specific Bible into Yoruba constitutes a contribution of major significance. As stated above, the petitioner must submit evidence of more than one contribution of major significance. For the reasons stated above, the petitioner has

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[7] *Kazarian,* 580 F.3d at 1036 (9th Cir. 2009) *aff'd in part* 596 F.3d at 1115. In 2010, the *Kazarian* court reiterated that the AAO's conclusion that "letters from physics professors attesting to [the alien's] contributions in the field" were insufficient was "consistent with the relevant regulatory language." 596 F.3d at 1122.

[8] *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990); *Avyr Associates, Inc. v. Meissner*, 1997 WL 188942 at *5 (S.D.N.Y.). Similarly, USCIS need not accept primarily conclusory assertions. *1756, Inc. v. The Attorney General of the United States,* 745 F. Supp. 9, 15 (D.C. Dist. 1990).

not established that his leadership and theological lectures have been influential on the level of a contribution of major significance. Moreover, the record lacks evidence of a lack of Bibles in Yoruba as opposed to other African languages. In addition, the record lacks evidence that the petitioner's Bible has been printed on a large scale and widely distributed. Finally, the petitioner appears to be engaged in a second translation into Yoruba, this time using a computer linguistic program.

In light of the above, the petitioner has not submitted qualifying evidence that meet the plain language requirements of the regulation at 8 C.F.R. § 204.5(h)(3)(v).

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

Counsel has asserted throughout the proceeding that the petitioner's translation of the Bible serves as qualifying evidence under 8 C.F.R. § 204.5(h)(3)(vi). Also in the context of this regulation, counsel has asserted that the petitioner "shares" with readers of "online journals" and speaks at events.

The director noted that the petitioner did not "author" the Bible, but translated it from English to Yoruba. The director also found the remaining evidence insufficient under 8 C.F.R. § 204.5(h)(3)(vi).

On appeal, counsel acknowledges that the petitioner did not author the Bible but asserts that he "produced a high quality publishable work that has received national and international acclaim, and is heavily relied on by the general public as well as religious scholars in Nigeria and other Yoruba-spoken countries." 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). The record contains no evidence that the petitioner's translation has even been printed on a large scale let alone nationally and internationally acclaimed or heavily relied upon by anyone.

Regardless, the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(vi) requires evidence of the petitioner's "authorship" of scholarly articles rather than production of a successful translation. USCIS may not unilaterally impose novel substantive or evidentiary requirements beyond those set forth at 8 C.F.R. § 204.5. *Kazarian,* 596 F.3d at 1221, *citing Love Korean Church v. Chertoff,* 549 F.3d 749, 758 (9th Cir.2008). As the petitioner did not "author" the translation, it is not qualifying evidence that meets the plain language requirements of 8 C.F.R. § 204.5(h)(3)(vi).

Counsel also asserts that the petitioner submitted "several publications" by the petitioner interpreting religious texts and discussing ideas about spiritual and economic development strategies for Africa. The record contains no such evidence. The record establishes that the petitioner maintains his own weblog. The record contains no evidence that his personal weblog is a professional or major trade publication or other major media. Similarly, commenting on open forum Internet sites does not amount to publication in a professional or major trade publication or other major media. Finally, the

petitioner has not established that his lectures were published in professional or major trade publications or other major media.

In light of the above, the petitioner has not submitted qualifying evidence that meets the plain language requirements of the regulation at 8 C.F.R. § 204.5(h)(3)(vi).

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

In concluding that the petitioner had not submitted sufficient evidence under 8 C.F.R. § 204.5(h)(3)(viii), the director implied that the petitioner relied too "heavily" on letters. On appeal, counsel asserts that the letters are from leaders in the field. The plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(viii) requires evidence of the nature of the role for which the petitioner was selected and the reputation of the organization or establishment that selected him. We withdraw any implication that letters from employers cannot establish the nature of the petitioner's position with that employer. The regulation at 8 C.F.R. § 204.5(g)(1) provides that evidence of any necessary experience "shall" be in the form of letters from employers. That said, the petitioner must also submit sufficient evidence explaining how the role fits within the overall hierarchy of the organization or establishment which could be provided in the letter or through other evidence such as an organizational chart. Moreover, the petitioner must also submit credible evidence that the organization or establishment enjoys a distinguished reputation. If the phrase "distinguished reputation" is to have any meaning, the reputation of the organization or establishment must set it apart from the general population of similar organizations or establishments.

Counsel initially asserted that the petitioner (1) served as [redacted] of Mission Africa International, which he cofounded; (2) served as Director of the African Mission Program at the World for Jesus Ministries; (3) developed a "Victory Court" in Seattle to serve immigrant populations through promoting integration through faith and intercultural dialogue; and (4) played an "active role" in the Center for African Leadership Studies. Counsel also asserted that the petitioner has worked closely with other "prominent" organizations such as the Gateway Center for World Mission. 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.

[redacted] confirms the petitioner's leading role for Mission Africa International. The petitioner must also establish, however, that Mission Africa International enjoys a distinguished reputation. While [redacted] lists several projects that the petitioner spearheaded through Mission Africa International, the record contains no confirmation of the success of these projects and the ultimate reputation of Mission Africa International. The petitioner also submitted self-serving materials from the petitioner's weblog for Mission Africa International and his own report on the organization's projects as presented to the Bakke Graduate University where the petitioner is a student, but the record lacks objective evidence of the organization's reputation beyond the petitioner's close circle of colleagues.

[redacted] asserts that World for Jesus Ministries supported the petitioner's translation project but does not indicate that the petitioner served as the organization's Director of the African Mission Program. Moreover, while the petitioner submitted self-serving information from the organization's website, the record contains no independent published material about the World for Jesus Ministries or other objective evidence of its distinguished reputation.[9]

[redacted] asserts that the petitioner founded the church [redacted] While the petitioner submitted materials from the church's website, this material does not establish the distinguished reputation of this church. In fact, these materials fail to discuss the various training programs referenced in [redacted] letter. We will not presume that every one of the numerous churches in the United States, generally founded to provide for the religious needs of its parishioners and to promote outreach, enjoys a distinguished reputation as contemplated by 8 C.F.R. § 204.5(h)(3)(viii).

[redacted] explains that the petitioner helped the Gateway Center for World Mission adapt Western Christian mission training materials for an African context and bring those materials to "emerging leaders in Nigeria" but does not identify the petitioner's position with the center. [redacted] notes the petitioner's instruction for the "prestigious Haggai Institute which trains Christian leaders from developing nations around the world" but does not provide the number of instructors utilized by the institute or explain how the petitioner fits within the hierarchy of the institute. Significantly, the record contains no letters from anyone at the institute confirming the petitioner's role there.

The petitioner submitted materials from the IWC's website listing his brief biography. The materials, however, do not identify the petitioner's specific role for the IWC. Moreover, the petitioner did not submit independent evidence of the IWC's reputation.

The petitioner also submitted two of the petitioner's lectures posted on the Haggai Institute's website identifying him as an alumnus and member of the institute's international faculty. The record does not establish the number of international faculty associated with the Institute, whose mission is to train "Christian leaders" who are "trained in advanced evangelistic communications and managerial techniques." As such, the record does not establish how the petitioner's role as a member of the "faculty" fits within the overall hierarchy of the institute and sets him apart from every other alumnus, all of whom must agree to train 100 other leaders. Moreover, while the institute's website materials provided by the petitioner indicate that it was formed in 1969 and has a worldwide network of Christian leaders in over 170 countries, the record lacks independent evidence of the Haggai Institute's reputation.

In summary, while the petitioner may have served in a leading or critical role for Mission Africa International and [redacted] the record contains no independent evidence of the distinguished

[9] The AAO need not rely on self-serving assertions or attorney argument as evidence regarding the reputation of an entity. *See Braga v. Poulos,* No. CV 06 5105 SJO (C. D. CA July 6, 2007) *aff'd* 2009 WL 604888 (9th Cir. 2009) (concluding that the AAO did not have to rely on self-serving assertions on the cover of a magazine as to the magazine's status as major media).

reputation of either entity that sets it apart from other missionary groups and churches. The petitioner has not demonstrated that his remaining affiliations have risen to the level of a leading or critical role or that these organizations and establishments enjoy a distinguished reputation.

Comparable Evidence

Despite having claimed throughout the proceeding that the petitioner is submitting qualifying evidence under several of the regulatory categories of evidence, counsel asserted in response to the director's request for additional evidence and again on appeal that the regulatory standards at 8 C.F.R. § 204.5(h)(3) do not readily apply to the field of biblical studies. As such, counsel concludes that USCIS should accept the submission of "comparable" evidence pursuant to 8 C.F.R. § 204.5(h)(4), which allows the submission of comparable evidence where the standards set forth at 8 C.F.R. § 204.5(h)(3) are not readily applicable to the alien's occupation. The petitioner submitted a letter from [redacted] Bakke Graduate University, asserting that, in her opinion, "the typical standards that are used to measure the level of achievement and success in other fields are not readily applicable to the field of biblical studies and other faith based work." [redacted] asserts that, unlike other fields, members of the petitioner's field do not pursue individual recognition and are not always recognized "in the same way as other authoritative figures in their respective fields." [redacted] concludes that in the petitioner's case, "the quantity and quality of his work, the diversity of his expertise and skills, and the growing reputation among other experts in the field have most certainly earned him a classification of an individual with extraordinary abilities, even though he may not be in a position to demonstrate a receipt of major national or international prizes, the command of an unusually high salary or an extensive list of publications about him and his work." [redacted] then states, however, that she believes such recognition "will come" after he completes his Doctor of Ministry.

If it is [redacted] position that the petitioner will eventually receive the type of recognition that falls under the regulatory standards set forth at 8 C.F.R. § 204.5(h)(3), then it is unclear why these standards do not readily apply. Rather, this position suggests that the petition was filed prematurely. Moreover, [redacted] does not support her assumption that the motivations of members of the petitioner's field are unique or why such motivations are relevant. For example, a medical researcher motivated by the desire to cure a disease who wins a prize and is covered in the media for doing so was not necessarily originally motivated by a pursuit of individual recognition. Similarly, the engineer who wins a prize or is covered in the media for producing a cheap means of earthquake-proofing housing for poorer communities may have been motivated by the desire to protect those communities rather than individual recognition.

We stress that the petitioner's inability to meet any of the criteria is not evidence that they are not readily applicable. For example, the petitioner has not established that there exists no media coverage of evangelical missionaries in professional or major trade journals or other major media, that the field is never influenced by contributions from its members, or that distinguished evangelical organizations or establishments do not exist. The record contains evidence of trade journals in the petitioner's field,

such as *Religious Studies Review*. Thus, it would appear that several of the regulatory criteria may readily apply to the petitioner's field.

Regardless, even if we concluded that the standards set forth at 8 C.F.R. § 204.5(h)(3) are not readily applicable to the petitioner's occupation, the evidence submitted under 8 C.F.R. § 204.5(h)(4) must be "comparable" to those standards. The petitioner's inability to meet a given criterion and submission of lesser evidence relating to but not meeting one of those standards, such as published material that is not "about" the petitioner, will not serve as "comparable" evidence. Significantly, the regulation at 8 C.F.R. § 204.5(h)(4) does not, and cannot, waive the statutory requirement for national or international acclaim as evidenced by extensive documentation. Section 203(b)(1)(A)(i).

Counsel states that the "comparable" evidence in the record consists of reference letters and speaking engagements. We have considered the information in these letters and the petitioner's speaking engagements above under 8 C.F.R. § 204.5(h)(3)(v) and have found that they do not demonstrate the petitioner's influence at the level of a contribution of major significance in the field. We are not persuaded that letters from colleagues or collaborators selected by the petitioner are "comparable" to the objective standards set forth at 8 C.F.R. § 204.5(h)(3). Moreover, the record lacks evidence that the petitioner's speaking engagements are indicative of or have garnered national or international acclaim.

In light of the above, the petitioner has not established that the consideration of "comparable" evidence is appropriate in this matter and, regardless, has not submitted "comparable" evidence of national or international acclaim.

Summary

In light of the above, the petitioner has not submitted the requisite evidence under at least three of the evidentiary categories for which evidence must be submitted to meet the minimum eligibility requirements necessary to qualify as an alien of extraordinary ability. Nevertheless, we will review the evidence in the aggregate as part of our final merits determination.

B. Final Merits Determination

In accordance with the *Kazarian* opinion, we must next conduct a final merits determination that considers all of the evidence in the context of whether or not the petitioner has demonstrated: (1) a "level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the[ir] field of endeavor," 8 C.F.R. § 204.5(h)(2); and (2) "that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise." 8 C.F.R. § 204.5(h)(3). *See Kazarian,* 596 F.3d at 1119-20.

Even if we concluded that the petitioner's translation, online commentary and lectures constitute qualifying scholarly articles pursuant to 8 C.F.R. § 204.5(h)(3)(vi), pursuant to the reasoning in *Kazarian,* 596 F.3d at 1122, the field's response to these articles may be and will be considered in

our final merits determination. The record contains no evidence that anyone other than the petitioner's colleagues have taken note of his translation, online commentary and lectures.

Even if we considered the letters and speaking engagements as "comparable" evidence pursuant to 8 C.F.R. § 204.5(h)(4), this evidence is not indicative of or consistent with sustained national or international acclaim. The letters are from those who have worked with the petitioner and are primarily from individuals who reside locally where the petitioner has studied or worked. The speaking engagements have not been established to be before conferences of such distinction that the speakers must be presumed to enjoy national or international acclaim. Notably, in the case of the IWC conference, the petitioner was requested to speak by his own professor. Regarding the Haggai Institute, which requires its alumni to agree to train other prospective leaders, the record lacks evidence regarding the number of alumni and the significance of the petitioner's lectures in the context of the activities of other alumni.

Ultimately, the evidence in the aggregate 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 Doctor of Ministry student, relies mostly on his translation of a Bible but provides no evidence that this particular translation is being utilized on a widespread basis. While the petitioner's colleagues and collaborators attest to the petitioner's missionary work and training of future missionaries, the record contains little evidence confirming the success and influence of this work. The petitioner's contributions to open Internet forums and the minimal response to those writings, mostly from colleagues, cannot demonstrate national or international acclaim.

In light of the above, the evidence in the aggregate is not persuasive that the petitioner enjoys national or international acclaim as a Bible translator or missionary.

III. Prospective Substantial Benefit to the United States

In his personal statement, the petitioner indicates that he intends to coordinate translations of the Bible into African languages by finding and recruiting native tongue speakers to address the translation needs *of Africa.* The petitioner also intends to continue his work as an educator in Christian mission work for "persons from disadvantaged backgrounds in African nations." The record lacks evidence as to how this work will substantially benefit prospectively the United States as mandated under section 203(b)(1)(A)(iii). While we acknowledge that the regulations provide no specific evidentiary requirements for this provision, it remains that it is a statutory requirement and USCIS is not precluded from addressing it where the evidence raises concerns that the petitioner's work will not provide any benefit to the United States.

IV. Conclusion

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 the field of endeavor.

Review of the record, however, does not establish that the petitioner has distinguished himself as a Bible translator to such an extent that he 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 evidence indicates that the petitioner shows talent as a Bible translator, but is not persuasive that the petitioner's achievements set him significantly above almost all others in his field. Moreover, the record lacks evidence that the petitioner's entry into the United States would substantially benefit prospectively the United States. 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.