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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
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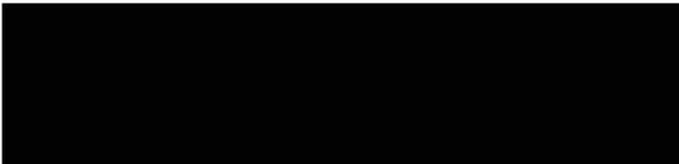
Petitioner:

Beneficiary:



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

ON BEHALF OF PETITIONER:



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).

Perry Rhew

Chief, Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability in athletics. The director determined that the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability. More specifically, the director found that the petitioner had failed to demonstrate receipt of a major, internationally recognized award, or that she meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

On appeal, the petitioner argues that the evidence she submitted satisfies the regulations at 8 C.F.R. §§ 204.5(h)(3) – (5).

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, 60898-99 (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, filed on July 27, 2007, seeks to classify the petitioner as an alien with extraordinary ability as a "Professional Football Player." At the time of filing, the petitioner was playing for the St. Louis Slam which is a member of the National Women's Football Association (NWFA).

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). On appeal, the petitioner states that she "won the Whammy Award in 2006 for best defensive player of the league with outstanding achievement. We provided explanation on the [W]hammy [A]ward, which is the most important world award in women's football. This is evidence of a one time outstanding achievement . . . ." The petitioner submitted a certificate stating:

Whammys Finalist

The NWFA is pleased to recognize

[The petitioner]

As one of the top three finalists for  
2006 NWFA Defensive Player of the Year

We acknowledge the petitioner's selection as a "finalist," but the plain language of the regulation at 8 C.F.R. § 204.5(h)(3) requires the petitioner's receipt of a major, internationally recognized *award*. There is no evidence showing that the petitioner ultimately won the "Best Defensive Player of the Year" *award*. Further, while the petitioner submitted information from the NWFA (internet postings and press releases) about the Whammys and the league's 2006 Championship Game, the self-serving nature of this material does not establish the major international significance and scope of the petitioner's "NWFA Defensive Player of the Year" finalist designation. The regulation specifically defines a one-time achievement as a major, *internationally* recognized award. A "National" Women's Football Association honor for players competing in the United States does not satisfy the plain language of the regulation for a one-time achievement.

Moreover, given Congress' intent to restrict this category to "that small percentage of individuals who have risen to the very top of their field of endeavor," the regulation permitting eligibility based on a one-time achievement must be interpreted very narrowly, with only a small handful of awards qualifying as major, internationally recognized awards. *See* H.R. Rep. 101-723, 59 (Sept. 19, 1990), *reprinted in* 1990 U.S.C.C.A.N. 6710, 1990 WL 200418 at \*6739. Given that the House Report specifically cited to the Nobel Prize as an example of a one-time achievement, examples of one-time awards which enjoy major, international recognition may include the Pulitzer Prize, the Academy Award, and (most relevant for athletics) an Olympic Medal. The regulation is consistent with this legislative history, stating that a one-time achievement must be a *major, internationally recognized* award. 8 C.F.R. § 204.5(h)(3). The selection of Nobel Laureates, the example provided by Congress, is reported in the top media internationally regardless of the nationality of the awardees, is a familiar name to the public at large and includes a large cash prize. While an internationally recognized award could conceivably constitute a one-time achievement without meeting all of those elements, it is clear

from the example provided by Congress that the award must be global in scope and internationally recognized in the alien's field as one of the top awards in that field. In this instance, there is no evidence showing that the petitioner's designation as a *finalist* for the 2006 NWFA Defensive Player of the Year award equates to a major, *internationally* recognized award. The petitioner's honor will be further addressed as a lesser "nationally" recognized award under the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i).

Barring the alien's receipt of a major, internationally recognized award, the regulation at 8 C.F.R. § 204.5(h)(3) outlines ten criteria, at least three of which must be satisfied for an alien to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability. A petitioner, however, cannot establish eligibility for this classification merely by submitting evidence that simply relates to at least three criteria at 8 C.F.R. § 204.5(h)(3). In determining whether the petitioner meets a specific criterion, the evidence itself must be evaluated in terms of whether it is indicative of or consistent with sustained national or international acclaim. A lower evidentiary standard would not be consistent with the regulatory definition of "extraordinary ability" as "a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The petitioner has submitted evidence pertaining to the following criteria under 8 C.F.R. § 204.5(h)(3).<sup>1</sup>

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

As previously discussed, the petitioner submitted a certificate stating that she was among the top three finalists for the 2006 NWFA Defensive Player of the Year. While it is certainly an honor to be chosen as a finalist, the plain language of this regulatory criterion requires evidence of the petitioner's receipt of "nationally or internationally recognized prizes or awards." In this instance, there is no evidence from the NWFA indicating that the petitioner ultimately received the Defensive Player of the Year award.

We note that although the petitioner's "top three" finalist certificate implies that she was one of the top three defensive players in the NWFA in 2006, a document submitted by her entitled "National Women's Football Association 2006 League Rankings: Defensive Stats- Tackles" reflects that the petitioner ranked 13<sup>th</sup> in the league in tackles with a total of 76. Four players in the NFWA had more than one hundred tackles that year. Further, there is no evidence showing that the petitioner ranked in the top ten in the NFWA in 2006 for the remaining defensive categories of interceptions or sacks. Therefore, it is not immediately apparent how the petitioner was designated among "the top three finalists for the 2006 NWFA Defensive Player of the Year."<sup>2</sup> It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits

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

<sup>2</sup> The record includes letters of support from the President of the NWFA, the General Manager of the St. Louis Slam, and the Head Coach of the St. Louis Slam, but none of their letters states that the petitioner was among the top three finalists for the 2006 NWFA Defensive Player of the Year.

competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Id.* at 591.

The petitioner also submitted the following:

- 1) A plaque from Oakland City University stating that the petitioner received a "Varsity Award" in women's soccer 2004-2005;
- 2) A September 18, 2006 certificate from the NWFA stating: "Awarded To [the petitioner] Of The St. Louis Sam 2006 NWFA 1<sup>st</sup> All Star Team;"
- 3) A July 1, 2007 "Certificate of Achievement" stating that the petitioner was a "NWFA Defensive Stat Leader;"
- 4) A July 20, 2007 certificate stating that the petitioner was a "Skills Challenge Winner" in the "Linebacker/Defensive Line Challenge" category at the NWFA Football Pallooza Nashville;
- 5) An August 30, 2007 "NWFA All-Star" certificate "in recognition of outstanding play during the 2007 season;" and
- 6) A certificate of recognition (2007) from the St. Louis Slam designating the petitioner Defensive "Player of the Year."

In regard to item 1, this award reflects institutional recognition by the university for which the petitioner played soccer rather than a nationally or internationally recognized award for excellence. Nevertheless, the petitioner's field of endeavor for which classification is sought is professional women's football rather than collegiate soccer. With regard to items 2 and 5, the record does not include information originating from the NWFA indicating the significance of the "All Star" designation, its evaluation criteria, and the total number of players selected. Regarding item 3, there is no information from the NWFA regarding the criteria for this designation and the total number of honorees. In regard to item 6, this designation reflects team recognition rather than national or international recognition. Regarding items 2 through 6, the plain language of the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i) specifically requires that the petitioner's awards be nationally or internationally *recognized* in the field of endeavor and it is her burden to establish the level of recognition and achievement associated with her honors. We cannot ignore the existence of other women's football leagues such as the Women's Professional Football League (WPFL) and the Independent Women's Football League. In this case, there is no documentary evidence demonstrating that preceding football honors are recognized beyond the presenting organization and therefore commensurate with nationally or internationally recognized prizes or awards for excellence in the field. Accordingly, 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.*

In response to the director's request for evidence, counsel asserts that the petitioner meets this criterion by virtue of having played in the NWFA and the WPFL. We cannot conclude that simply playing for teams in the NWFA and the WPFL is tantamount to outstanding achievements. USCIS has long held that athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Commr. 1994); 56 Fed. Reg. at 60899.<sup>3</sup> Likewise, it does not follow that every athlete who plays in the NWFA and the WPFL leagues should necessarily qualify for an extraordinary ability employment-based immigrant visa. To find otherwise would contravene the regulatory requirement at 8 C.F.R. § 204.5(h)(2) that this visa category be reserved for "that small percentage of individuals that have risen to the very top of their field of endeavor." In this case, it is the petitioner's burden to demonstrate that she meets every element of this criterion, including that she is a member of an association that requires outstanding achievements of its members, as judged by recognized national or international experts. The general information submitted by the petitioner about the NWFA does not meet the requirements of this criterion. For example, the petitioner's appellate submission includes a document entitled "WFA Bylaws," but nothing in the "WFA/ Team Player Guidelines" section of the bylaws specifies that membership in the league requires outstanding achievements or that prospective players are judged by nationally or internationally recognized football experts. Accordingly, 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.*

In general, in order for published material to meet this criterion, it must be primarily about the petitioner and, as stated in the regulations, be printed in professional or major trade publications or other major media. To qualify as major media, the publication should have significant national or international distribution. An alien would not earn acclaim at the national level from a local or regional publication.

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<sup>3</sup> While we acknowledge that a district court's decision is not binding precedent, we note that in *Matter of Racine*, 1995 WL 153319 at \*4 (N.D. Ill. Feb. 16, 1995), the court stated:

[T]he plain reading of the statute suggests that the appropriate field of comparison is not a comparison of Racine's ability with that of all the hockey players at all levels of play; but rather, Racine's ability as a professional hockey player within the NHL. This interpretation is consistent with at least one other court in this district, *Grimson v. INS*, No. 93 C 3354, (N.D. Ill. September 9, 1993), and the definition of the term 8 C.F.R. § 204.5(h)(2), and the discussion set forth in the preamble at 56 Fed. Reg. 60898-99.

Although the present case arose within the jurisdiction of another federal judicial district and circuit, the court's reasoning indicates that USCIS' interpretation of the regulation at 8 C.F.R. § 204.5(h)(2) is reasonable.

Some newspapers, such as the *New York Times*, nominally serve a particular locality but would qualify as major media because of significant national distribution, unlike small local community papers.<sup>4</sup>

The petitioner submitted a June 15, 2007 article about her entitled “Unlikely odyssey to Slam” in the St. Louis *Post-Dispatch* and information regarding the newspaper’s circulation. The petitioner also submitted articles in the *Oakville-Mehlville Journal* and posted on the KSDK NewsChannel 5 Sports internet site, but these articles were not about the petitioner and there is no evidence that they were published in major media.

In response to the director’s request for evidence, the petitioner submitted a DVD recording which counsel describes as a “12 min. montage of [the petitioner’s] appearance on ESPN 2, SunCasTV, Fox 2, and KMOV-TV.” The video includes brief interview footage of the petitioner interspersed with information about the NWFA and footage from various football games. It is not apparent from this video montage when the sections showing the petitioner were aired and which of the preceding media outlets broadcast those sections. For example, the record does not include evidence from ESPN 2 identifying the date on which the petitioner’s interview was broadcast and the size of the television audience who viewed it. Nevertheless, the plain language of this regulatory criterion requires “published material about the alien” including “the title, date and author of the material.” A brief segment of a televised program that includes comments from the petitioner does not meet these requirements.

The petitioner also submitted press releases and marketing material relating to NWFA events. A press release is a written communication directed at the news media for the purpose of announcing information claimed as having news value. We cannot conclude that a press release, which is not the result of independent media reportage and which is sent to journalists in order to encourage them to develop articles on a subject, meets the plain language of this criterion. Moreover, the self-serving nature of the marketing material prepared and circulated by the NWFA or its teams does not meet the requirements of 8 C.F.R. § 204.5(h)(3)(iii).

Even if we were to conclude that a regional newspaper such as the St. Louis *Post-Dispatch* qualifies as a form of major media based on the submitted circulation information, the plain language of this regulatory criterion requires material about the petitioner in more than one major publication. Further, the statute and regulations require the petitioner to demonstrate that her national or international acclaim has been sustained. See section 203(b)(1)(A)(i) of the Act, 8 U.S.C. § 1153(b)(1)(A)(i), and 8 C.F.R. § 204.5(h)(3). A single article about the petitioner in the St. Louis *Post-Dispatch* in 2007 does not meet the preceding requirements.

In light of the above, the petitioner has not established that she meets this criterion.

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<sup>4</sup> Even with nationally-circulated newspapers, consideration must be given to the placement of the article. For example, an article that appears in the *Washington Post*, but in a section that is distributed only in Fairfax County, Virginia, for instance, cannot serve to spread an individual’s reputation outside of that county.

F.3d 909 (8<sup>th</sup> Cir. 2008). Accordingly, we will not assign weight to information for which *Wikipedia* is the only cited source. Nevertheless, while this documentation shows that the St. Louis Slam won its division and in the first round of the playoffs in 2006 and 2007, we note that the team has never won beyond the NWFA's regional playoffs. Thus, there is no evidence demonstrating that this team has a distinguished national or international reputation in the sport of professional football.

In light of the above, the petitioner has not established that she meets this criterion.

*Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.*

In response to the director's request for evidence, the petitioner submitted a September 15, 2006 "St. Louis Slam Player Contract" stating that she will receive "a minimum remuneration of One Hundred Dollar (\$100) for each regular season game." The record, however, does not include supporting evidence (such as payment records or income tax forms) showing the petitioner's actual earnings for any specific period of time. Further, the plain language of this regulatory criterion requires the petitioner to submit evidence of a high salary "in relation to others in the field." The petitioner offers no basis for comparison showing that her compensation was significantly high in relation to that of other professional football players. Accordingly, the petitioner has not established that she meets this criterion.

In this case, we concur with the director's finding that the petitioner has failed to demonstrate her receipt of a major, internationally recognized award, or that she meets at least three of the criteria that must be satisfied to establish the national or international acclaim necessary to qualify as an alien of extraordinary ability. 8 C.F.R. § 204.5(h)(3).

Review of the record does not establish that the petitioner has distinguished herself to such an extent that she may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of her field. The evidence is not persuasive that the petitioner's achievements set her significantly above almost all others in her field at a national or international level. 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 AAO maintains plenary power to review each appeal on a *de novo* basis. 5 U.S.C. § 557(b) ("On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule."); *see also Janka v. U.S. Dept. of Transp., NTSB*, 925 F.2d 1147, 1149 (9th Cir. 1991). The AAO's *de novo* authority

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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](http://en.wikipedia.org/wiki/Wikipedia:General_disclaimer), accessed on January 21, 2010, copy incorporated into the record of proceeding.

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

Counsel initially argued that the record “is replete with evidence of [the petitioner’s] original athletic contributions of major significance in the field.” Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner’s burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of 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). Counsel did not specify which of the petitioner’s athletic contributions were “original” in the sport of football. Counsel further states that the petitioner “has earned national recognition for her talents in the field here in the United States.” The awards and recognition conferred upon the petitioner by the NWFA have already been addressed under the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i). Here it should be emphasized that the regulatory criteria are separate and distinct from one another. Because separate criteria exist for awards and original contributions of major significance, USCIS clearly does not view these criteria as being interchangeable. 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.

We acknowledge the petitioner’s submission of letters of support from the President of the NWFA, the General Manager of the St. Louis Slam, her coaches, her fellow players, the Dean at Oakland City University, U.S. Senator Clair McCaskill of Missouri, Olympian Jackie Joyner-Kersey, NFL player Michael Jones, and the President of the St. Louis Sports Commission. These individuals discuss the petitioner’s athletic activities, her talent as a football player, and her importance to her team. The record, however, does not include evidence showing that the petitioner has made original athletic contributions that have significantly influenced or impacted her sport. With regard to the petitioner’s athletic achievements, the reference letters do not specify exactly what the petitioner’s original contributions in professional football have been, nor is there an explanation indicating how any such contributions were of major significance in her sport. 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. While the individuals offering letters of support express admiration for the petitioner, there is no evidence demonstrating that any of her past accomplishments equate to original athletic contributions of major significance in the field.

In this case, the letters of support submitted by the petitioner are not sufficient to meet this criterion. These letters, while not without weight, cannot form the cornerstone of a successful extraordinary ability claim. USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. See *Matter of Caron International*, 19 I&N Dec. 791, 795 (Commr. 1988). However, USCIS is ultimately responsible for making the final determination regarding an alien’s eligibility for the benefit sought. *Id.* The submission of letters supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the alien’s eligibility. See *id.* at 795-796. Thus, the content of the writers’ statements and how they became aware of the petitioner’s reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less

weight than preexisting, independent evidence of achievements that one would expect of a professional football player who has sustained national or international acclaim. Without extensive documentation showing that the petitioner's athletic achievements have been unusually influential, highly acclaimed throughout her sport, or have otherwise risen to the level of original contributions of major significance, we cannot conclude that she meets this criterion.

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

On appeal, the petitioner argues that playing for the St. Louis Slam at venues such as the Christian Brothers College High School stadium meets this criterion. The petitioner's field, however, is not in the arts. Virtually every athlete "displays" his or her work in the sense of competing in front of an audience. The plain language of this regulatory criterion indicates that it applies to visual artists (such as sculptors and painters) rather than to competitive athletes. The ten criteria in the regulations are designed to cover different areas; not every criterion will apply to every occupation. Accordingly, the petitioner has not established that she meets this criterion.

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

In order to establish that she performed in a leading or critical role for an organization or establishment with a distinguished reputation, the petitioner must establish the nature of her role within the entire organization or establishment and the reputation of the organization or establishment.

The petitioner submitted letters of support from the General Manager and the Head Coach of the St. Louis Slam indicating that she was the second leading tackler on the team in 2006 with 76 tackles. The petitioner also submitted NWFA "League Leaders" statistics for 2007 showing that the petitioner ranked first on her team and second in the league in interceptions (4) and second on her team and fifth in the league in tackles (95). This documentation is adequate to demonstrate that the petitioner performed in a leading or critical role for the St. Louis Slam. With regard to the reputation of the St. Louis Slam, the petitioner submitted letters of support from those within the organization stating that the team won the "South Central Division" in 2006, but lost in the playoffs. There is no evidence indicating that the petitioner's team has distinguished itself nationally or internationally by winning a national championship, for example. On appeal, the petitioner submits "Season-By-Season" records for the St. Louis Slam for 2003 through 2008 printed from *Wikipedia*, an online encyclopedia. Regarding information from *Wikipedia*, there are no assurances about the reliability of the content from this open, user-edited internet site.<sup>5</sup> See *Lamilem Badasa v. Michael Mukasey*, 540

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<sup>5</sup> Online content from *Wikipedia* is subject to the following general disclaimer:

WIKIPEDIA MAKES NO GURANTEE 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

has been long recognized by the federal courts. *See, e.g., Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989).

The petition will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The appeal is dismissed.