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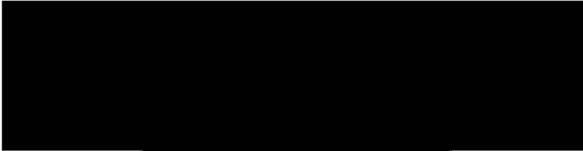
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090



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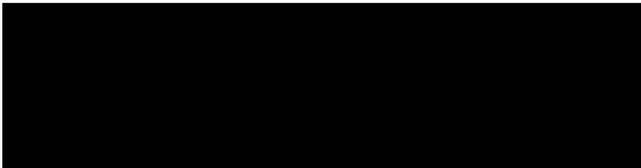
Office: TEXAS SERVICE CENTER Date:

JAN 08 2010

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

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

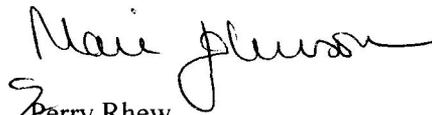
ON BEHALF OF PETITIONER:



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

The petitioner seeks classification as an “alien of extraordinary ability” in the sciences, pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). The director determined the petitioner had not established the sustained national or international acclaim necessary to qualify for classification as an alien of extraordinary ability.

On appeal, counsel submits a brief letter with primarily conclusory statements that do not address the director’s concerns. Nevertheless, as counsel reiterates claims not addressed in detail in the director’s decision, we will adjudicate the appeal on the merits rather than summarily dismissing the appeal pursuant to 8 C.F.R. § 103.3(a)(1)(v). For the reasons discussed below, we concur with the director’s ultimate conclusion that the petitioner has not established eligibility for the exclusive classification sought.

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

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

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

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

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

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

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

U.S. Citizenship and Immigration Services (USCIS) and legacy Immigration and Naturalization Service (INS) have consistently recognized that Congress intended to set a very high standard for individuals seeking immigrant visas as aliens of extraordinary ability. *See* 56 Fed. Reg. 60897, 60898-9 (Nov. 29, 1991). As used in this section, the term “extraordinary ability” means a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2). The specific requirements for supporting documents to establish that an alien has sustained national or international acclaim and recognition in his or her field of expertise are set forth in the regulation at 8 C.F.R. § 204.5(h)(3). The relevant criteria will be addressed below. It should be reiterated, however, that the petitioner must show that he has sustained national or international acclaim at the very top level.

This petition seeks to classify the petitioner as an alien with extraordinary ability as a cardiologist. 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, international recognized award). Barring the alien’s receipt of such an award, the regulation outlines ten criteria, at least three of which must be satisfied for an alien to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability. The petitioner has submitted evidence that, he claims, meets the following criteria under 8 C.F.R. § 204.5(h)(3).¹

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

Much of the evidence referenced by counsel initially as relevant to this criterion and submitted under the exhibit labeled as relevant to this criterion has no relation to this criterion. Specifically, counsel references the petitioner’s publications and invitations to present his work at conferences. As part of the exhibit labeled “Honors, Awards and Distinctions,” the petitioner also submitted committee membership appointments, job appointments, professional certification, generic letters soliciting manuscripts from the petitioner that appear to be issued to any recent author in the field, work-related electronic mail messages that appear commensurate with the petitioner’s position, correspondence expressing appreciation for past presentations, reprint requests, the petitioner’s medical exam and training course scores and acceptance into a fellowship (residency) program. Counsel has never explained how this evidence constitutes “prizes” or “awards” as required under this criterion, set forth at 8 C.F.R. § 204.5(h)(3)(i). Evidence that relates to other criteria, such as scholarly articles pursuant to 8 C.F.R. § 204.5(h)(3)(vi), will be considered under those criteria below. As none of this evidence constitutes prizes or awards, however, it will not be considered further under this criterion.

Counsel also references the petitioner’s research grants, a presentation selected by the American Heart Association (AHA) for inclusion in the association’s “The Best of Scientific Sessions 2007” satellite broadcast, a travel grant from the American College of Physicians, First Place in the 30th Annual Associates Clinical Vignette Competition, selection as one of the top five winners at the Chicago

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

Medical Society's Poster Presentation Session and selection for the "Professionalism Award" for service to patients at Rosalind Franklin University of Medicine and Science where the petitioner is employed.

The director concluded that research grants are not awards or prizes for excellence. On appeal, counsel simply states that the petitioner "has received several prominent medical awards."

We concur with the director that research grants simply fund a scientist's work. Every successful scientist engaged in research, of which there are hundreds of thousands, receives funding from somewhere. Obviously the past achievements of the principal investigator are a factor in grant proposals. The funding institution has to be assured that the investigator is capable of performing the proposed research. Nevertheless, a research grant is principally designed to fund future research, and not to honor or recognize past achievement.

The petitioner submitted little information about the AHA's selection of presentations for inclusion in the association's "The Best of Scientific Sessions 2007" satellite broadcast. For example, the record does not establish how many presentations are selected or the pool of candidates. On his self-serving curriculum vitae, the petitioner indicated that less than sixty of the 13,000 abstracts from an AHA meeting were selected for the satellite broadcast. 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)). Regardless, the selection of several presentations from a limited pool of presentations at one AHA conferences in 2007 does not rise to the level of a nationally or internationally recognized prize or award for excellence.

Travel grants are limited to those just beginning their careers and cannot serve as evidence that the recipient is one of the small percentage at the top of the field, including the most experienced and renowned members of the field. Similarly, the 30th Annual Associates Clinical Vignette Competition was limited to associates completing their training in the field. The Chicago Medical Society's Poster Presentation Session appears to be a purely local honor. Finally, selection for the "Professionalism Award" for service to patients at Rosalind Franklin University of Medicine and Science where the petitioner is employed is internal recognition from his employer and cannot rise to the level of a nationally or internationally recognized award.

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

Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.

The petitioner submitted his "professional" membership in the AHA, his membership in Sigma Xi and his "fellow in training" membership with the American College of Cardiology (ACC). The petitioner

submitted evidence that Sigma Xi, while limiting membership to those who can demonstrate a “noteworthy achievement,” boasts 65,000 members. The petitioner did not submit any other evidence of membership requirements.

The director noted that the petitioner must demonstrate the association’s actual membership requirements; the association’s prestige alone is insufficient. The director further noted that membership requirements based on employment, education, test scores, grade point average, colleague recommendations or the payment of dues are not outstanding achievements. The director concluded that the petitioner had not established that his memberships are qualifying.

On appeal, counsel merely states that the petitioner is “a member of several prominent national medical organizations.” As stated by the director, however, the association’s prominence is not determinative. An association may be “prominent” based on factors other than stringent membership criteria. For example, an association may be prestigious based on the number of members it attracts, a factor that is not consistent with the type of restrictive membership contemplated by the regulation at 8 C.F.R. § 204.5(h)(3)(ii).

The only evidence of membership criteria is the evidence relating to Sigma Xi. Without evidence regarding how Sigma Xi defines “noteworthy achievement,” we cannot conclude that the society requires outstanding achievements of its members, especially given that it boasts 65,000 members. For example, if a noteworthy achievement were defined as authorship of a thesis, published article or report,² these achievements are not outstanding in the sciences such that they distinguish a scientist or clinical researcher from his peers.

In light of the above, the petitioner has not established that he 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.

Although counsel did not assert that the petitioner meets this criterion in her original cover letter, the petitioner submitted an article posted at *Diabetesincontrol.com* discussing the petitioner’s recent presentation but concluding that “despite the researchers’ enthusiasm, the results were suggestive rather than confirmatory.” The petitioner also submitted the same article posted at *MedPage Today*, a listing of the winners of the Vignettes award in the newsletter of the Illinois Chapter of the American College of Physicians and citations.

² Sigma Xi’s website states that a noteworthy achievement must be evidenced by publication as a first author on two articles published in a refereed journal, patents, written reports or a thesis or dissertation. See <https://www.sigmaxi.org/member/join/qualification.html>, accessed November 30, 2009 and incorporated into the record of proceeding.

The director did not expressly address this evidence. On appeal, counsel states: “there was substantial evidence submitted mentioning [the petitioner’s] name and his work in the material about the alien category.”

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires that the published material be “about” the petitioner relating to his work. Compare 8 C.F.R. § 204.5(i)(3)(i)(C) (requiring published material about the alien’s work). The internet articles are not “about” the petitioner relating to his work. Moreover, while *Diabetesincontrol.com* indicates that it is aimed at medical professionals, the record lacks evidence regarding the popularity of this site or *MedPage Today* or other evidence that these sites constitute professional or major trade journals or other major media. Similarly the inclusion of the petitioner’s articles among the many footnoted references in other articles cannot serve to meet this criterion as those articles are not “about” the petitioner. Rather, the articles are about the authors’ own work or recent trends in the field in general. Finally, the record contains no circulation or distribution data or other evidence indicating that the newsletter of a local chapter of the American College of Physicians is a professional or major trade journal or other major media.

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

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

While counsel has never asserted that the petitioner meets this criterion, we note that the petitioner submitted evidence that he completed internal evaluations of residents at his place of employment. Internal review of student work is not indicative of or consistent with national or international acclaim and, thus, cannot serve to meet this criterion. *Kazarian v. USCIS*, 580 F.3d 1030, 1035 (9th Cir. 2009). We find that this reasoning is equally applicable to the review of physician trainees.

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

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

Initially, counsel asserted that the petitioner meets this criterion through his publications, his role on various research studies and his expertise with various cardiology procedures that appear inherent to the position of cardiologist, such as interpreting EKG results and echocardiograms. The director concluded that the record lacked evidence of the wide influence or implementation of the results or methods derived from the petitioner’s studies. On appeal, counsel asserts that the petitioner has “made important contributions to the field for both his research and unique clinical skills, making him a physician scientist of the highest order.”

According to the regulation at 8 C.F.R. § 204.5(h)(3)(v), an alien’s contributions must be both original and of major significance. We must presume that the phrases “original” and “major

significance” are not superfluous and, thus, that they have some meaning. To be considered a contribution of major significance in the field of science, it can be expected that the results would have already been reproduced and confirmed by other experts and applied in their work. Otherwise, it is difficult to gauge the impact of the petitioner’s work.

The regulations contain a separate criterion regarding the authorship of published articles. 8 C.F.R. § 204.5(h)(3)(vi). We will not presume that evidence relating to or even meeting the scholarly articles criterion is presumptive evidence that the petitioner also meets this criterion. To hold otherwise would render meaningless the statutory requirement for extensive evidence or the regulatory requirement that a petitioner meet at least three separate criteria. *See id.* at 1036 (publications and presentations are insufficient absent evidence that they constitute contributions of *major* significance).

Moreover, the opinions of experts in the field, while not without weight, cannot form the cornerstone of a successful claim of sustained national or international acclaim. 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 submission of letters from experts supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the alien’s eligibility. *See id.* at 795. USCIS may even give less weight to an opinion that is not corroborated, in accord with other information or is in any way questionable. *Id.* at 795; *see also Matter of Soffici*, 22 I&N Dec. at 165 (citing *Matter of Treasure Craft of California*, 14 I&N Dec. at 190).

In evaluating the reference letters, we note that letters containing mere assertions of widespread acclaim and vague claims of contributions are less persuasive than letters that specifically identify contributions and provide specific examples of how those contributions have influenced the field. In addition, letters from independent references who were previously aware of the petitioner through his reputation and who have applied his work are far more persuasive than letters from independent references who were not previously aware of the petitioner and are merely responding to a solicitation to review the petitioner’s curriculum vitae and work and provide an opinion based solely on this review. Ultimately, evidence in existence prior to the preparation of the petition carries greater weight than new materials prepared especially for submission with the petition. An individual with sustained national or international acclaim should be able to produce unsolicited materials reflecting that acclaim. Vague, solicited letters from local colleagues or letters that do not specifically identify contributions or how those contributions have influenced the field are insufficient. *Kazarian*, 580 F.3d at 1036.

The petitioner completed a research fellowship in Neurology at the Kennedy Krieger Institute, Johns Hopkins University, from 2001 through 2002, after which he joined the Rosalind Franklin University, Chicago Medical School, where he remained as of the date of filing.

██████████, an assistant professor at Johns Hopkins University School of Medicine, asserts that the petitioner made significant contributions to the field of pediatric neurology. While ██████████ identifies the petitioner's neurology projects at Johns Hopkins, he does not provide the results of these projects or explain how they have impacted the field. While the petitioner presented this work, the record contains no evidence of the influence of these presentations. It does not appear that the petitioner published any articles on neurology. In discussing the petitioner's publications, ██████████ references the petitioner's more recent work in nephrology and cardiology.

The petitioner's supervisor at Rosalind Franklin University, ██████████ concludes only that the petitioner has potential. Specifically, he states that the petitioner "is headed for a position of great expertise and extraordinary contributions in the field of his practice, cardiology," and that he is "in line to become one of the premier cardiovascular specialist[s], both in this area and in the United States." ██████████ discusses the importance of the petitioner's field, cardiology, and the shortage of cardiologists in the United States. This discussion has no bearing on whether the petitioner enjoys national or international acclaim within the field of cardiology. ██████████ asserts that the petitioner's studies are important, but does not explain how they have already impacted the field of cardiology. Rather, he speculates that the petitioner's research "has a direct impact on the future of this field." Finally, ██████████ asserts that the petitioner performs "many of the complex clinical procedures in cardiology placing him amongst the very elite class of physician scientists." The fact that the petitioner, a trained cardiologist, can perform cardiology procedures that set him apart from other physicians in general, the majority of whom work within one of the other numerous medical specialties, is neither original nor a contribution of major significance.

██████████, an assistant professor of neurology at Harvard Medical School, purports to be an independent reference but his curriculum vitae reveals that his time at the Kennedy Krieger Institute overlapped with the petitioner's employment there. ██████████ discusses the importance of cardiology and the need for cardiologists in the United States. Once again, this information has no relevance to whether or not the petitioner enjoys national or international acclaim within the field of cardiology. It would appear that these assertions pertain to any medical specialty. We are not persuaded that the petitioner's decision to work in one of the many complicated and important medical specialties that exist qualifies him for the exclusive classification sought. ██████████ asserts that the petitioner is among the ten percent of cardiologists that can perform angiograms and while ██████████ concedes that the vast majority of cardiologists are able to utilize the standard EKG diagnostic technique, ██████████, whose specialty is neurology, asserts that the petitioner has mastered "numerous diagnostic modalities that less than one percent of cardiologists perform." ██████████ does not assert that the petitioner pioneered these techniques. The petitioner's training in techniques developed by others is not original. Regardless, ██████████ implication that the 99 percent of cardiologists are incapable of performing the diagnostic modalities in their specialties required to save lives (and are thus essentially unqualified to perform their jobs) warrants some objective supporting evidence such as a government report, which is conspicuously lacking in this case.

further notes that the petitioner's articles have appeared in widely disseminated journals. We will not presume the significance of an article from the journal in which it appears. Rather, it is the petitioner's burden to demonstrate the significance of the individual article. does not provide any examples of the petitioner's work being applied by independent cardiologists. Finally, speculates as to the future significance of the petitioner's current projects. As these projects are still ongoing, they cannot serve as evidence of the petitioner's contributions as of the date of filing, the date as of which he must establish his eligibility. See 8 C.F.R. §§ 103.2(b)(1), (12); *Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l. Comm'r. 1971).

, a physician at the Mayo Clinic, asserts that he was asked to review the petitioner's credentials and is basing his letter on this review and the petitioner's "stellar reputation in the field." does not expressly state that he had ever heard of the petitioner or his work prior to being contacted for a reference letter. discusses the importance of cardiology and the competitive nature of the medical school attended by the petitioner. This information is not relevant to whether or not the petitioner enjoys national or international acclaim in the field of cardiology. asserts that the petitioner's influence can be seen by the petitioner's selection to teach students and resident trainees, give Journal Club presentations and grand round lectures at the institution where he is employed. While asserts that only an expert cardiologist would be selected for these duties, the petitioner's supervisor, , does not suggest that these duties were uniquely assigned to the petitioner as opposed to being the routine duties of experienced physicians at the hospital. Regardless, the internal training of subordinates is not original or a contribution of major significance to the field at large. Finally, asserts that the petitioner's national and international acclaim evidences the petitioner's widespread impact in the field. This statement is inherently circular and does not help demonstrate the petitioner's actual impact.

, an associate professor of clinical medicine at the Weill Medical College of Cornell University, does not explain how he came to know of the petitioner's work. a specialist in nephrology, states that the petitioner is "one of the cardiologists specializing in coronary vascular disease (CVD), a subspecialty for which there is a tremendous need today." Once again, if Dr. is implying that the majority of cardiologists are not trained to diagnose and treat CVD, which causes 25 million deaths annually according to , such an implication requires strong supporting evidence.

asserts that cardiology is one of the most demanding subspecialties of internal medicine. We reiterate that the fact that there are numerous medical specialties such that every specialist has skills "most" physicians lack because they pursued other specialties is not persuasive. The appropriate comparison is with other cardiologists. asserts that the petitioner's experience in nephrology distinguishes him from other cardiologists. This experience is "crucial," according to because heart disease in kidney failure patients presents complex challenges that the petitioner, with his past experience in nephrology, can "seamlessly manage." provides no examples of cardiology research that the petitioner was only able to

complete based on his nephrology experience. Regardless, multidisciplinary training, while useful, is neither original nor a contribution of major significance to the field at large.

discusses the petitioner's nephrology research on HIV nephropathy, the most common cause of end stage renal failure among patients with HIV. explains that the petitioner demonstrated that anti-retroviral therapy leads to not only a slowing of the disease but also **reverses the kidney damage that had already occurred.** asserts that the petitioner's results, which were published in 2005, have "international importance leading to a paradigm shift in the management of HIV associated nephropathy, a disease that affects millions of patients all over the world." While the petitioner submitted evidence that this work had been minimally cited as of the filing date, the citations are not at a level consistent with a "paradigm shift." Significantly, , who does not even expressly state that he knew of the petitioner's HIV associated nephropathy research prior to being contacted for a reference, does not assert that this disease is treated differently at the Weill Medical College based on the petitioner's publication.

As stated above, the petitioner did submit citations of his work. We note that some of these citations are self-citations by coauthors, which, while normal and expected, cannot demonstrate the petitioner's impact beyond his immediate circle of colleagues. Regardless, the number of citations is not consistent with contributions of major significance. Moreover, the citations themselves do not single out the petitioner's work as particularly significant. For example, the review article on Renal Immunology and Pathology in *Current World Literature* cites the petitioner's work but does not notate it as "of special interest" or "of outstanding interest." In addition, an article in *AIDS* cites the petitioner's work as one of multiple articles for the proposition that "several observational cohort studies have demonstrated a decreased need for renal replacement therapy for patients treated with antiretroviral therapy." The other article cited for this proposition predates the petitioner's work. As another example, a 2006 article in *The American Journal of Medical Sciences* cites the petitioner's work as one of nine for the proposition that renal biopsy is recommended where feasible to determine the cause of renal disease in HIV positive patients. Finally, a letter to the editor in *Respiratory Medicine* cites the petitioner's work as one of four articles for the proposition that beta-agonists can provoke sudden death in asthmatics.

While the petitioner's research is no doubt of value, it can be argued that any research must be shown to be original and present some benefit if it is to receive funding and attention from the scientific community. While the record includes broad attestations of the significance of the petitioner's work, none of the petitioner's references provide examples of how the petitioner's work is already influencing the field. While the evidence demonstrates that the petitioner is a talented clinical researcher with potential, it falls short of establishing that the petitioner had already made contributions of major significance. Thus, the petitioner has not established that he meets this criterion.

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

The director concluded that the petitioner meets this criterion and we concur.

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

Counsel did not specifically address this criterion in her initial cover letter but the initial submission included an exhibit labeled as relevant to this criterion. Specifically, the petitioner submitted his renewed appointment as an assistant professor at the Rosalind Franklin University of Medicine and Science, his appointment in the cardiovascular disease fellowship (residence) program at the same university, certificate of completion of his research fellowship in neurology from the Kennedy Krieger Institute at Johns Hopkins University, routine electronic mail correspondence between the petitioner and his colleagues, a generic research invitation addressed to "Dr. <<PersonFirstName>> <<Person Last Name>>," an informed consent form for patients listing the petitioner as the principal investigator and the abovementioned internal evaluations of residents.

The director did not expressly address this criterion. On appeal, counsel simply states that the petitioner "has clearly served in leading roles at several prominent institutions."

At issue for this criterion are the position the petitioner was selected to fill and the reputation of the organization or establishment that selected him. Significantly, the regulation at 8 C.F.R. § 204.5(h)(3)(viii) does not contemplate the performance of a leading or critical role on a given project, but specifies that the role must be leading or critical to an organization or establishment. In other words, the position with the organization or establishment must be of such significance that the alien's selection to fill the position, in and of itself, is indicative of or consistent with national or international acclaim.

For the reasons stated above, the petitioner's role on various research projects is insufficient; he must establish his selection for a leading or critical role for an organization or establishment. 8 C.F.R. § 204.5(h)(3)(viii). We are not persuaded that a training fellowship is a leading or critical position for the Kennedy Krieger Institute. Similarly, we are not persuaded that an assistant professor position is a leading or critical role for the Rosalind Franklin University of Medicine and Science.

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

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the alien has achieved sustained national or international acclaim and is one of the small percentage who 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 cardiologist 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 cardiologist, but is not persuasive that the petitioner's achievements set him significantly above almost all others in his field. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A) of the Act and the petition may not be approved.

The burden of proof in visa petition proceedings remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.