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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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**JAN 22 2010**

FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date:  
LIN 08 136 51724

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)

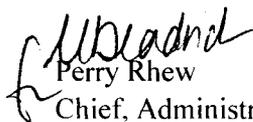
ON BEHALF OF PETITIONER:

[REDACTED]

INSTRUCTIONS:

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

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing 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, on March 27, 2009, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner seeks to classify the beneficiary 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 business. The director determined that the petitioner did not demonstrate that the beneficiary had 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 the beneficiary's receipt of a major, internationally recognized award, or that he meets at least three of the regulatory criteria at 8 C.F.R. § 204.5(h)(3).

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 the beneficiary has sustained national or international acclaim at the very top level.

This petition, filed on April 4, 2008, seeks to classify the beneficiary as an alien with extraordinary ability as a marketing and business executive in pharmaceuticals.

The regulation at 8 C.F.R. § 204.5(h)(3) indicates that an alien can establish sustained national or international acclaim through evidence of a one-time achievement (that is, a major, internationally recognized award). Barring the alien's receipt of such an award, the regulation outlines ten criteria, at least three of which must be satisfied for an alien to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability. A petitioner, however, cannot establish the beneficiary's 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 beneficiary 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).

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

The petitioner submitted photographs of the beneficiary's following awards:

1. [REDACTED] on September 17, 1991, from [REDACTED]
2. Third Place for Outstanding Sales Achievement on December 16, 1988, from [REDACTED]
3. The General Manager's Bronze Star Award on August 29, 1986, from [REDACTED]
4. Presidential Award on July 26, 1988, from the Rotary Club of San Pedro, District 382;
5. Plaque of Appreciation on February 11, 1989, from the Rotary Club of San Pedro, District 382;
6. Certificate of Achievement on January 23, 1997, for successful completion of the Medicine Shoppe's International Management Assistant Training;
7. Certificate of Achievement on December 7, 2001, for completing What Matters Most workshop;
8. Certificate of Graduation on September 10, 1994, for successfully completing The Seven Habits of Highly Effective People course; and
9. Certificate of Appreciation on February 10, 2001, for contributing to the seminar, Business Brainstorms: A Glimpse on the Role of Future Leaders.

We note here that the petitioner also submitted photographs of trophies for other alleged awards won by the beneficiary. However, the photographs are unclear, and we are unable to determine not only the nature of the awards but also if the beneficiary was even granted the awards. Accordingly, the evidence is not probative and will not be accorded any weight in this proceeding.

The documentary evidence submitted by the petitioner does not establish that the beneficiary's receipt of company awards, certificates of appreciation, and successful completion of courses are tantamount to his receipt of nationally or internationally recognized awards for excellence in the field. The regulation at 8 C.F.R. § 204.5(h)(3)(i) requires the "receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." The petitioner failed to establish that the submitted documentation reflects nationally or internationally recognized prizes or awards.

Regarding the beneficiary's successful completion of training courses and academic study is not a field of endeavor, but training for a future field of endeavor or furtherance of an individual's career. As such, successfully completing courses cannot be considered a prize or award in the petitioner's field of endeavor. Further, the plain language of the regulatory criterion at 8 C.F.R. § 204.5(h)(3)(i) specifically requires that the beneficiary's awards be nationally or internationally *recognized* in the field of endeavor and it is the petitioner's burden to establish every element of this criterion. In this case, there is no evidence showing that the beneficiary's awards commanded a significant level of recognition beyond the context of the events where they were presented. The petitioner's awards are limited to company recognition rather than national or international recognition. The beneficiary's receipt of such awards offers no meaningful comparison between him and experienced professionals outside of Glaxo Philippines, Inc.

The petitioner did not contest the decision of the director in this criterion on appeal. We agree with the finding of the director.

Accordingly, the petitioner has not established that the beneficiary 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 claims the beneficiary's eligibility for this criterion based on his membership with the Rotary Club of San Pedro and the National Federation of Hog Farmers, Inc (NFHFI). Regarding the Rotary Club, the petitioner submitted a certification from [REDACTED] NFHFI from 1987-1988, stating that the beneficiary was elected as a member of the Rotary Club and created a youth club within and named it Rotaract Club of San Pedro, which was recognized by the Rotary International based in Chicago, IL.

The petitioner also submitted evidence of membership requirements from [www.rotary.org](http://www.rotary.org) reflecting that "[a] qualified candidate for Rotary club membership is an adult of good character and good business, professional, or community reputation." In addition, a candidate for membership must:

1. Hold or ha[ve] held an executive position with discretionary authority in any worthy and recognized business or profession;
2. Serve or ha[ve] served as a community leader; or
3. Be a Rotary Foundation alumna or alumnus.

In order to demonstrate that membership in an association meets this criterion, a petitioner must show that the association requires outstanding achievement as an essential condition for admission to membership. Membership requirements based on employment or activity in a given field, minimum education or experience, standardized test scores, grade point average, recommendations by colleagues or current members, or payment of dues do not satisfy this criterion as such requirements do not constitute outstanding achievements. Further, the overall prestige of a given association is not determinative; the issue here is membership requirements rather than the association's overall reputation.

The Rotary Club membership requirements of being an adult with a good character and reputation, and an executive position or community leadership do not represent outstanding achievement as judged by recognized national or international experts as required under 8 C.F.R. § 204.5(h)(3)(ii). In addition, an organization that boasts "more than 32,000 Rotary Clubs with a total membership exceeding 1.2 million men and women located in more than 200 countries and geographic territories" does not represent only that very small percentage at the top of the field.

Regarding NFHFI, the petitioner submitted a letter, dated February 20, 2009, from [REDACTED] of NFHFI, stating that "[m]embership to the Federation has been strict in accepting members that will not qualify with the organization's membership standard." However, [REDACTED] failed to elaborate on what were the "strict" membership standards of NFHFI. We note that while the petitioner submitted photographs, with handwritten captions, of the beneficiary's participation at NFHFI's conference and background information from NFHFI's website, the petitioner failed to submit any documentary evidence demonstrating that membership with NFHFI requires outstanding achievement as judged by recognized national or international experts. In fact, the petitioner failed to submit any documentation reflecting membership requirements with NFHFI.

Notwithstanding the above, the regulation at 8 C.F.R. § 204.5(h)(3) requires that the alien's membership be in an association in the field for which classification is sought. The record reflects that the beneficiary is seeking classification for this employment-based petition as a marketing and business executive in pharmaceuticals. The record is unclear as to the relationship between the beneficiary's field of marketing and business executive in pharmaceuticals and the field of hog farming. While we note that [REDACTED] indicated in his letter that the beneficiary proved "to be a successful top animal healthcare industry leader," the record does not reflect any documentary evidence establishing that the beneficiary has any experience in animal healthcare.

Nonetheless, the petitioner failed to establish that the beneficiary's membership with the Rotary Club of San Pedro and NFHFI require outstanding achievement by recognized national or international experts in the beneficiary's field.

Accordingly, the petitioner has not established that the beneficiary meets this criterion.

*Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought.*

*Such evidence shall include the title, date, and author of the material, and any necessary translation.*

The petitioner submitted the following documentary evidence for this criterion:

1. An article, *Neighborhood Drugstore Chain*, in the Philippine Star on April 7, 2003, by [REDACTED]
2. Pictures of the beneficiary in the Swine Newsletter, August 2005 and December 2006 issues;
3. Pictures of the beneficiary in the Animal Husbandry & Agricultural Journal, June 2005 issue;
4. Appearance on the television program, *Entrepinoy*, on January 25, 2003; and
5. Appearance on the radio program, *Business Café*, on February 23, 2003.

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 publication. 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>1</sup>

Regarding item 1, while the article features a picture and two quotes from the beneficiary, among quotes from other individuals, the article is not about the beneficiary but neighborhood drugstore chains. Similarly, items 2 and 3 only reflect pictures of the beneficiary representing his companies as sponsors at various events. The articles reflect that they are not primarily or principally “about” the petitioner. The plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires that the published material be “about” the beneficiary relating to his work. Articles and publications that merely feature limited quotations and photographs are not sufficient to meet the eligibility requirements for this highly restrictive classification.

Notwithstanding the above, the petitioner submitted information from [www.nationsencyclopedia.com](http://www.nationsencyclopedia.com) regarding the circulation statistics of the Philippine Star. A review of this website reflects that it does not identify the source for the information and allows users to add information to the topics. There are no assurances about the reliability of the content from open, user-edited internet sites<sup>2</sup>. See, e.g., *Lamilem Badasa v. Michael Mukasey*, 540 F.3d 909 (8<sup>th</sup> Cir. 2008). Accordingly, we will not assign weight to information for which Encyclopedia of the Nations is the only cited source. In

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<sup>1</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.

<sup>2</sup> See [www.nationsencyclopedia.com/Asia-and-Oceania/Philippines-MEDIA.html](http://www.nationsencyclopedia.com/Asia-and-Oceania/Philippines-MEDIA.html), accessed on December 29, 2009, and incorporated into the record of proceeding reflecting that users can comment about the articles and add new information to the topics.

addition, the petitioner submitted information from [www.philstar.com](http://www.philstar.com) claiming that “[t]he Philippine Star is a daily broadsheet circulated throughout the Philippine archipelago.” The petitioner failed to submit independent, corroborating evidence establishing that this publication, as well as the Swine Newsletter and Animal Husbandry & Agricultural Journal, are professional or major trade publications or major media.

Regarding items 4 and 5, the plain language under 8 C.F.R. § 204.5(h)(3)(iii) also requires “[p]ublished 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.” As this criterion specifically requires the title, date, author and any necessary translation, appearance on television and radio shows do not qualify the petitioner under this criterion. Counsel’s assertion that the evidence should be considered as “comparable” evidence to meet this criterion is not persuasive. The regulation at 8 C.F.R. § 204.5(h)(4) permits the consideration of “comparable” evidence where the criteria are not “readily applicable” to the alien’s occupation. In this case, the petitioner has submitted materials asserting that they meet this criterion. Therefore, the regulatory language precludes the consideration of comparable evidence for this criterion. Where an alien is simply unable to meet three of the regulatory criteria, the plain language of the regulation at 8 C.F.R. § 204.5(h)(4) does not allow for the submission of comparable evidence.

Accordingly, the petitioner has not established that the beneficiary meets this criterion.

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

The petitioner claims eligibility for this criterion based on several recommendation letters. We cite representative examples here:

[REDACTED] stated:

[The beneficiary] had also spearheaded programs and activities for various Medical Societies and associations like Philippine Society for Hospital Pharmacists headed by [REDACTED], Philippine Society for Microbiology and Infectious Disease headed by [REDACTED] and [REDACTED] headed by [REDACTED]. Due to [the beneficiary’s] extraordinary work with these groups, [the beneficiary] and the whole company was able to get certificates and recognition from their Officers and members.

[REDACTED] stated:

All companies [the beneficiary] handled had been exposed to special coverage (due to its exceptional growth and unique concepts) on national TV, major newspaper and magazines which his is always invited for an interview as special guest including some radio guesting [sic].

stated:

[The beneficiary] spearheaded he started it from scratch until he helped build 10 pharmaceutical retail franchise and distribution centers. The company earned P5 million in franchise fee for all the branches while the branch at Taft Ave. Manila which was sold at P4.5 million gave the company income of P2.5 million just for this transaction. Truly, an extraordinary leadership capability of [the beneficiary] has driven the entire Management team including myself to perform and deliver business results desired.

stated:

I have seen how [the beneficiary] had performed exceptionally well especially when he was tasked to handle Makati district, handling key accounts like Makati Medical Center, San Miguel Corporation, Coca-Cola Medical group, Fort Bonifacio General Hospital, Ospital ng Makati and other territorial medical clinics. [The beneficiary] with his team at Makati Medical Center achieved the highest selling hospital within the company and [the beneficiary's] team had consistently beaten all other pharmaceutical companies competing at Makati Medical Center. [The beneficiary's] group ranked top within the company and has dominated the market within his district against all the companies in the entire industry for a period of 4 to 5 years. Sales generated by Glaxo within the hospital reached millions every month. It was indeed record breaking high for [the beneficiary] making him a high rank District Sales Manager among peers and other competitors within his district. For this, he had received awards and recognition from our company.

stated:

[The beneficiary] handled training of 40 sales staff with Managers and their Vice- and was so impressed with the comprehensive lecture and outstanding training of [the beneficiary]. They were able to learn new techniques that they can use in their daily interaction with their clients. The two-day training seminar was filled with overwhelming gratification from the audience and most especially . Their Vice-President is all praises and commented that the rate charged by [the beneficiary] is just worth the learning they have gained for 2 days.

stated:

[The beneficiary] was responsible to customize the Business process and system of the company in order to adapt to the local market but still maintain the Medicine Shoppe International system. He spearheaded the concept of "Glocality" where the whole company "thinks Global but act Local." With [the beneficiary's] 15 years of successful

experience with a British pharmaceutical company, this equipped him with an extraordinary in-depth knowledge of the whole local and international pharmaceutical industry.

In this case, the recommendation letters are not sufficient to meet this regulatory criterion. 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. The statutory requirement that an alien have “sustained national or international acclaim” necessitates evidence of recognition beyond the alien’s immediate acquaintances. *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). Further, USCIS may, in its discretion, use as advisory opinion statements 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 of support from the beneficiary’s personal contacts 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. Thus, the content of the writers’ statements and how they became aware of the beneficiary’s reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of any immigration petition are of less weight than preexisting, independent evidence or original contributions of major significance that one would expect of an individual who has sustained national or international acclaim at the very top of the field.

In this case, the petitioner failed to submit preexisting, independent evidence of original contributions of major significance. While the letters highly praise the beneficiary and provide examples of his regular job duties of training employees, handling business accounts, and opening new businesses, they fail to establish that he has made contributions of major significance in his field beyond his employers. In evaluating the reference letters, they do not specifically identify how his contributions have influenced the field; rather, the letters reflect routine business accomplishments that are expected of any employee in the beneficiary’s position. Letters from independent references who were previously aware of the beneficiary 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 beneficiary and are merely responding to a solicitation to review the beneficiary’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 v. USCIS*, 580 F.3d 1030, 1036 (9<sup>th</sup> Cir. 2009).

Finally, counsel also cites to the beneficiary’s “[n]umerous awards, and media attention given to [the beneficiary] [which] provide evidence of the contributions described in the expert letters.” However, these factors have already been considered under 8 C.F.R. §§ 204.5(h)(3)(i) and (iii). Here it should be emphasized that the regulatory criteria are separate and distinct from one another. Because separate

criteria exist for prizes and published material about the alien, USCIS clearly does not view these criteria as being interchangeable. If evidence sufficient to meet one criterion mandated a finding that an alien met another criterion, the requirement that an alien meet at least three criteria would be meaningless.

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 beneficiary has earned the admiration of those with whom he has worked, the petitioner has failed to demonstrate the beneficiary's impact beyond his immediate employers. There is no evidence demonstrating that he has made original contributions of major significance in the field. For example, the record does not indicate the extent of the beneficiary's influence on other marketing and business executives in pharmaceuticals nationally or internationally, or that the field has somehow changed as a result of his work.

Without extensive documentation showing that the beneficiary's work has been unusually influential, highly acclaimed throughout his field, or has otherwise risen to the level of original contributions of major significance, we cannot conclude that he meets this criterion.

Accordingly, the petitioner has not established that the beneficiary meets this criterion.

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

The petitioner claims the beneficiary's eligibility for this criterion based on the following positions:

1. [REDACTED] from February 2004 – April 2007;
2. [REDACTED] from August 2003 – January 2004;
3. [REDACTED] from December 2000 – May 2003;
4. [REDACTED] Corporation from July 1999 – November 2000;
5. [REDACTED] from October 1996 – June 1999; and
6. [REDACTED] from January 1982 – September 1996.

Regarding Items 1, 2, 4, and 6, the petitioner submitted employment verification letters confirming the beneficiary's position and dates of employment. In addition, regarding Item 5, the petitioner submitted a Contract of Employment between the beneficiary and [REDACTED]. However, regarding Item 3, the petitioner failed to submit any documentation reflecting the beneficiary's employment with [REDACTED]. Therefore, we will not accord any evidentiary weight to the petitioner's claim of the beneficiary's position and employment with [REDACTED].

Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

At issue for this criterion are the position the beneficiary was selected to fill and the reputation of the entity that selected him. In other words, the position 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.

As stated above, the petitioner submitted employment verification letters and an employment contract. The petitioner failed to submit documentation reflecting the beneficiary's positions or standing to a degree consistent with the meaning of "leading or critical role" and indicative of sustained national or international acclaim. While the petitioner submitted the previously mentioned recommendation letters which refer to the beneficiary's previous occupations and employers, they do not include detailed job responsibilities discussing the nature of the beneficiary's duties and significant accomplishments and the importance of his role to any of the companies' operations. For example, [REDACTED] generally stated:

From a District Sales Manager position he soars to greater heights handling top executive positions like Chief Operating Officer, Executive Vice-President, Senior Vice-President and eventually President of a corporation.

The petitioner relies on the beneficiary's former job titles and submitted documentation that only verified the beneficiary's employment but failed to extensively describe the beneficiary's specific roles at various entities. The petitioner failed to establish the nexus between the beneficiary's critical roles and the successes and accomplishments at any of the companies. Further, the petitioner has not submitted an organizational chart or other similar evidence showing the beneficiary's positions in relation to that of the other vice presidents, chief operating officers, and district sales managers at Nutriplus Laboratories Corporation, Harry Pound Company, PharmaQuick Corporation, Shoppe, [REDACTED] and [REDACTED]. There is no evidence demonstrating how the beneficiary's roles differentiated him from the other vice presidents, chief operating officers, or district sales managers at any of these companies. In this case, the documentation submitted by the petitioner does not establish that the beneficiary was responsible for any of these businesses' success or standing to a degree consistent with the meaning of "leading or critical role" and indicative of sustained national or international acclaim.

Accordingly, the petitioner has not established that the beneficiary 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.*

On appeal, counsel claims the beneficiary's eligibility for this criterion by stating:

[The beneficiary] earned 120,000 (Pesos) – 150,000 (Pesos) per month for numerous years while serving in an executive capacity. When he served as a consultant to business entrepreneurs with the prestigious Harry Pound Company, he earned approximately 10,000 (pesos) per daily training session he conducted. These salary and wage figures clearly demonstrate that [the beneficiary] earned wages significantly higher than others in his field.

The previously mentioned employment verification letters reflect the following beneficiary's salaries:

1. 140,000 pesos/month at [REDACTED]
2. 150,000 pesos/month at [REDACTED]
3. 120,000 pesos/month at [REDACTED]

We note here that the employment verification letter from [REDACTED] does not indicate the beneficiary's salary, and the petitioner did not submit any other documentation reflecting the beneficiary's salary from [REDACTED]. We also note that the petitioner submitted a letter from [REDACTED] indicating that the beneficiary received an honorarium fee of 10,000 pesos for each day's lecture and training while employed by [REDACTED]. The petitioner did not submit any documentation establishing that the beneficiary commanded a high salary or other significantly high remuneration for services in relation to other speakers. While the beneficiary may have received 10,000 pesos for each daily speaking or lecturing engagement, the petitioner has offered no evidence that compares the beneficiary's fees for speaking and lecturing to other speakers and lecturers.

Regarding items 1-3 above, the petitioner submitted information from the websites of the National Wages and Productivity Commission (NWPC), Jobstreet.com, and PayScale. While the NWPC website provides the summary of daily and monthly minimum wage rates for various countries, including the Philippines, the website does not reflect wages for marketing and business executives in pharmaceuticals in the Philippines. The plain language of this regulatory criterion requires the petitioner to submit evidence showing that the beneficiary has commanded a high salary "in relation to others in the field." While the information reflects that the beneficiary's salaries were higher than the minimum wages of the citizens of the Philippines, the regulatory criterion requires the petitioner to establish that the beneficiary's salaries were higher than other marketing and business executives in pharmaceuticals in the Philippines and not to the minimum wages of the general public of the Philippines.

Furthermore, Jobstreet.com indicates that marketing managers for chief executive officers/senior vice presidents/assistant vice presidents/vice presidents/directors earn average monthly salaries of 55,000 pesos with the minimum salary of 40,000 pesos and the maximum salary of 90,000 pesos. In addition, Payscale.com indicates the median hourly rate for managers of an organizational size of one to four employees is 275 pesos. The documentation submitted by the petitioner is insufficient in comparing the beneficiary's salaries to the salaries of others. The record reflects that the beneficiary is a marketing and business executive in pharmaceuticals. While the petitioner submitted

documentation comparing the salaries of other marketing managers as a whole, the petitioner failed to submit documentation establishing the salaries of other marketing managers in the specific area of pharmaceuticals. As marketing managers comprise a vast array of various specialties, in this instance, we simply cannot accept documentation which reflects a broad range of areas that is not limited to a specific area such as pharmaceuticals.

The petitioner offers no basis for comparison showing that the beneficiary's compensation was significantly high in relation to others in his field. There is no evidence establishing that the beneficiary has earned a level of compensation that places him among the highest paid marketing and business executives in his field of pharmaceuticals. We also note that the petitioner submitted two certificates of title reflecting the beneficiary's purchase of two properties. While the petitioner indicates that the beneficiary's purchases establish that his salaries have allowed him to make these purchases, we are not persuaded that the ability to purchase property, assets, or any other material reflect evidence that the beneficiary has commanded a high salary compared to others in his field as required for this criterion.

Accordingly, the petitioner has not established that the beneficiary meets this criterion.

In this case, we concur with the director's finding that the petitioner has failed to demonstrate the beneficiary's receipt of a major, internationally recognized award, or that he 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). The conclusion we reach by considering the evidence to meet each criterion separately is consistent with a review of the evidence in the aggregate. Even in the aggregate, the evidence does not distinguish the beneficiary as one of the small percentage who has risen to the very top of the field of endeavor. 8 C.F.R. § 204.5(h)(2). While the beneficiary has earned the respect and admiration of the individuals offering recommendation letters, the petitioner failed to establish that the beneficiary has amassed a record of accomplishment which places him among that small percentage at the very top of his field.

Review of the record does not establish that the beneficiary has distinguished himself 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 is not persuasive that the beneficiary's achievements set him significantly above almost all others in his field at a national or international level. Therefore, the petitioner has not established the beneficiary's eligibility pursuant to section 203(b)(1)(A) of the Act, and the petition may not be approved.

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.