



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 6081680

Date: JAN. 14, 2020

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, a physician specializing in obstetrics and gynecology, seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition, concluding that although the Petitioner submitted evidence that satisfies three or more of the initial evidentiary criteria for this classification, the totality of the evidence did not demonstrate his sustained national or international acclaim or that he is among the small percentage at the very top of his field of endeavor.

On appeal, the Petitioner submits additional documentation and a brief, arguing that the Director did not consider all of the submitted evidence or adequately explain why the evidence was insufficient to establish his eligibility for the benefit sought.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

I. LAW

Section 203(b)(1) of the Act makes visas available to immigrants with extraordinary ability 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.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination).

II. ANALYSIS

The Petitioner is a physician specializing in obstetrics and gynecology. He received his Bachelor of Medicine and Doctor of Medicine degrees from [redacted] University Health Science Center in 2006 and 2009, respectively. At the time of filing in May 2018, he was employed as an attending physician at the Reproductive Medical Center of [redacted] University [redacted] Hospital in [redacted] China.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

The Director found that the Petitioner met four of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). Specifically, the Director found that the Petitioner satisfied the criteria for published material in professional publications or major media under 8 C.F.R. § 204.5(h)(3)(iii), judging under 8 C.F.R. § 204.5(h)(3)(iv), original contributions under 8 C.F.R. § 204.5(h)(3)(v), and scholarly articles under 8 C.F.R. § 204.5(h)(3)(vi).

The record reflects that the Petitioner peer reviewed at least one manuscript for the *Chinese Medical Journal*. In addition, he authored scholarly articles published in journals such as *Journal of Practical Obstetrics & Gynecology*, *Reproduction and Contraception*, and *International Journal of Gynecology and Obstetrics*. Accordingly, we agree with the Director that the Petitioner fulfilled the judging and scholarly articles criteria. However, for the reasons discussed below, we do not concur with the Director's finding that the Petitioner satisfied the published materials and original contributions criteria. Further, we agree with the Director's determination that although the Petitioner initially claimed to meet the criteria relating to lesser nationally or internationally recognized prizes or awards

and membership in an association requiring outstanding achievements of its members, he did not submit sufficient evidence to show that he met either of these criteria. Accordingly, after reviewing all of the evidence in the record, we find that the Petitioner meets only two of the ten initial evidentiary criteria.

Documentation of the individual's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i)

The Petitioner initially claimed eligibility under this criterion based on: two awards that he received from his employer ([redacted] University [redacted] Hospital); student awards from his university ([redacted] University) including a scholarship award, merit student awards, and doctoral student awards; and an award from the China National [redacted], which he received in 2000 when he was a high school student. In response to a request for evidence (RFE), the Petitioner emphasized that the following are qualifying awards:¹

- 2013 Second Prize of Academic Presentation in Obstetrics and Gynecology Department of [redacted] University
- 2000 First Prize, China National [redacted]

In order to fulfill this criterion, the Petitioner must demonstrate that the Beneficiary's prizes or awards are nationally or internationally recognized for excellence in the field of endeavor.² Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, and the number of awardees or prize recipients, as well as any limitations on competitors.³

With respect to the Petitioner's second prize in the [redacted] University academic presentation competition (also referred to as the "Youth Thesis Report Summit") he stated that the competition was open to physicians at 24 university-affiliated hospitals. The Petitioner explained that each hospital had its own competition, with the winning doctor(s) from each obstetrics and gynecology department chosen to represent his or her hospital for the final round. Finally, he stated that 17 doctors presented their papers in the final competition, and a panel of experts determined the winners of one first prize, two second prizes, and three third prizes. Although the Petitioner emphasized that some of the competing doctors were from hospitals with highly ranked obstetrics and gynecology departments, the evidence did not establish that this prize is a nationally or internationally recognized award for excellence. Rather, the submitted evidence indicates that the competition was limited to participants employed within [redacted] University's hospital network and entry appears to have been further restricted to younger physicians.

¹ The Petitioner did not pursue his initial claim that the remainder of the referenced awards meet this criterion.

² See USCIS Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions: Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14 6* (Dec. 22, 2010), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html> (noting that an award limited to competitors from a single institution, for example, may have little national or international significance).

³ *Id.*

The Petitioner submitted an article titled [REDACTED] [REDACTED] which was published in *Health News* in [REDACTED] 2013. While the article reports on the “[REDACTED] University Department of Obstetrics and Gynecology Forum and Youth Papers Conference” in which the Petitioner participated and includes an excerpt of a paper attributed to him, it does not state that he won an award or prize at the conference. The *Health News* article mentions that the “youth paper report meeting” is held every year “to encourage young people to be motivated and enterprising.” This single article does not support the Petitioner’s claim that the second prize award he received from [REDACTED] University is a nationally or internationally recognized prize or award for excellence in his field. The only other submitted media coverage for this conference was an article related to the 2014 annual conference; however, the Petitioner does not claim that he participated in the competition in that year.

With respect to the China National [REDACTED] the Petitioner submitted a “prize certificate” stating that he won “First Prize of [REDACTED] Province” in this competition. This certificate does not support the Petitioner’s claim that he won first prize at the national-level competition. In fact, a statement from the [REDACTED] High School Students Competition Office indicates that 20 first prize awards are given at the provincial level. While it appears that the competition drew from a field of highly talented high school students, the record does not establish that the Petitioner’s first prize award in a regional contest was a nationally or internationally recognized award for excellence in his field of endeavor. In addition, an award limited to participants of a certain age or those with student status may be a relevant factor in determining whether the overall field acknowledges it for excellence.

For the foregoing reasons, the Petitioner did not establish that he meets this criterion.

Documentation of the individual’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.
8 C.F.R. § 204.5(h)(3)(ii)

The Petitioner initially claimed that he meets this criterion based on his membership in the Chinese Medical Association (CMA). He explained that membership requires “evidence that you are an active practicing medical doctor in good standing.” The Petitioner submitted a screenshot from the CMA’s website which provides general information regarding the purpose of the organization and indicates that it is a non-profit association for medical professionals and technologists with 500,000 members. He did not document his CMA membership or provide any additional evidence regarding the CMA’s membership requirements. However, based on the Petitioner’s own statements, membership in the CMA appears to be granted to any individuals who are able to demonstrate that they are practicing physicians in good standing. Therefore, the Petitioner did not meet his burden to demonstrate that he is a member of an association that requires outstanding achievements as judged by recognized national or international experts in their disciplines. This criterion has not been met.

Published material about the individual in professional or major trade publications or other major media, relating to the individual’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. 8 C.F.R. § 204.5(h)(3)(iii)

The Director determined that the Petitioner met this criterion; however, we disagree and will withdraw that finding.

The Petitioner submitted the aforementioned on-line article from *Health News* (jkb.com.cn) in support of this criterion. As noted above, the article reports on the [redacted] University Department of Obstetrics and Gynecology Forum and Youth Papers Conference. The article notes that “three papers on reproductive medicine related to this report are published, and experts are invited to comment.” It includes excerpts from three papers presented at the conference, including the Petitioner’s paper, as well as a section in which a professor at [redacted] University [redacted]’s Hospital comments on the research presented. However, while the article mentions the Petitioner as the author of the paper titled [redacted] it does not otherwise mention him. For this reason, we cannot conclude that the article is “about” the Petitioner as required by the plain language of the regulation.

Further, the Petitioner did not support his claim that *Health News* can be classified as a professional or major trade publication or other major medium. Initially, the Petitioner submitted information from the publication which describe it as a “health profession newspaper” serving “all levels of health administration personnel, medical and health workers and the general public.” Later, in response to a request for evidence, the Petitioner described it as a “leading newspaper” ranked among China’s top 100 newspapers. The Petitioner provided an article from a Chinese government website (www.gapp.gov.cn) which lists the “Top 100 Newspapers and Periodicals” for 2018. While *Health News* is included among the top 100 newspapers (which are listed in no particular order), the article does not identify the criteria for inclusion on the list and we cannot determine based on the evidence submitted that this publication’s website qualifies as major media based on its circulation or distribution relative to other online Chinese publications. We note that the record reflects that the same Chinese government agency published a separate top 100 list for scientific journals, and therefore we cannot determine that *Health News* should be classified, in the alternative, as a professional publication.

The Petitioner also provided evidence that his professional profile is included on the Chinese website Good Doctor (Haodf.com), which is described as a healthcare community platform that assists patients with finding doctors. He submitted samples of comments and reviews written by his patients, but these reviews on an Internet healthcare platform do not meet the plain language of this criterion, which requires published materials about the Petitioner and his work in the field published in professional or other major trade publications or other major media.

In addition, the Petitioner provided a print article titled [redacted] [redacted] published by *Xishuangbanna Daily* newspaper in 2017. The article identifies the Petitioner as one of four doctors from his hospital who were to provide “medical technical support” at the [redacted]’s Hospital of [redacted] for a period of three months. The brief article mentions his educational background and medical specialty, but is not about him and his work in the field. Further, the limited information provided regarding the [redacted] Daily indicates that it is “an official newspaper of the [redacted] Prefecture Committee of the Communist Party of China.” This evidence is insufficient to establish that this newspaper, which appears to be regional in nature, is considered major media in China.

The record also contains evidence that the Petitioner recorded a series of 33 “question and answer” videos on various topics in reproductive medicine for the online platform “Youlai Doctor” (www.youlai.cn). The record reflects that these videos were first made available online on [] 2018, subsequent to the filing of the petition. The Petitioner must establish that all eligibility requirements for the immigration benefit have been satisfied from the time of the filing and continuing through adjudication. 8 C.F.R. § 103.2(b)(1).

Finally, the Petitioner states that he was invited to participate in a live broadcast on the Dudu Doctor website in [] 2017, in which he delivered a discussion regarding topics in reproductive health and participated in a question and answer session. The Petitioner indicates that the website “establishes a new way of connecting users and doctors to provide online medical and health services,” and notes that 50,000 users attended the live broadcast. Even if we could consider this live broadcast to be published material about the Petitioner and his work in major media, we note that the Petitioner’s participation in the broadcast is not sufficiently documented in the record. The Petitioner provided a screenshot from the website (www.duduyisheng.cn) confirming its existence, but the record does not contain supporting evidence corroborating the Petitioner’s participation in the referenced live broadcast or evidence confirming the number of viewers.

Based on the foregoing discussion, we find that the Petitioner did not provide evidence that satisfies this criterion.

Evidence of the individual’s original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. 8 C.F.R. § 204.5(h)(3)(v)

The Director found that this criterion had been satisfied, but did not identify the Petitioner’s original contributions of major significance or otherwise explain this determination. In order to fulfill the regulation at 8 C.F.R. § 204.5(h)(3)(v), a petitioner must establish that not only has he made original contributions but that they have been of major significance in the field.⁴ For example, a petitioner may show that the contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance in the field. Because the record does not reflect that the Petitioner demonstrated that he meets this criterion, we will withdraw the Director’s finding.

The Petitioner claimed in his initial cover letter that he made contributions of major significance relating to [] a diagnostic method that [] [] to examine the uterus and fallopian tubes” for the purpose of determining the presence of abnormalities and investigating the cause of infertility and miscarriages. He states that he has conducted “progressive research which includes a unique contribution to improvements in [] techniques [] and diagnostic effectiveness of the []” Further, the Petitioner states that he has “contributed major insights to the diagnosis and treatment of [] tubal lesions,” including participation in a research group that studied [] therapy for severe [] adhesions. Specifically, he notes that his research has allowed for early diagnosis of

⁴ See USCIS Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator’s Field Manual (AFM) Chapter 22.2, AFM Update AD11-14 8-9* (Dec. 22, 2010), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html> (finding that although funded and published work may be “original,” this fact alone is not sufficient to establish that the work is of major significance).

uncommon conditions [redacted], with positive post-surgery results. He also identified and summarized three of his published articles associated with the [redacted] and three articles relating to his [redacted] tubal lesion research. The Petitioner maintains that his “research on reproductive medicine and minimally invasive surgery have made a significant impact in the medical community globally.”

This this criterion requires the Petitioner to establish that he has made original contributions of major significance. Thus, the burden is on the Petitioner to identify his original contributions and explain why they are of major significance in the field.⁵ Although the Petitioner provided recommendation letters from colleagues praising him for his research and clinical skills, the authors do not provide specific examples of contributions that are indicative of major significance. For example, [redacted] [redacted] Chairman of the obstetrics and gynecology department at [redacted] University [redacted] Hospital, states that the Petitioner “has already had a meaningful impact on the medical profession,” indicates that his contributions to reproductive medicine research are “important” and “significant,” and notes that his “clinical research on reproductive medicine and minimally invasive surgery have made an important impact in the diagnosis and treatment of [redacted] tubal lesions area.”

[redacted], an honorary director of the OB/GYN department at the Petitioner’s hospital, states that the Petitioner’s [redacted] infertility research “has promising prospects” and that his “novel research on [redacted] therapy for severe [redacted] adhesions is expected to bring revolutionary changes for the treatment” of the condition. He describes the Petitioner’s research in this area as “an incredibly innovative discovery and a real advancement in this scientific field.” Finally, another chief physician at [redacted] University [redacted] Hospital, [redacted] states that the Petitioner’s “progressive research includes a unique contribution to improvements in [redacted] technique [redacted] [redacted] and diagnostic effectiveness of the [redacted]” [redacted] further indicates that the Petitioner’s research on the diagnosis and treatment of tubal lesions “led to additional discoveries which could lead to medical breakthroughs” and that his research has “made a significant impact in the medical community globally.

The letters considered above, solicited from the Petitioner’s colleagues at [redacted] University [redacted] Hospital, primarily contain broad attestations of the significance of the Petitioner’s research studies without providing specific examples of original contributions that rise to a level consistent with major significance. Letters that specifically articulate how a petitioner’s contributions are of major significance to the field and its impact on subsequent work add value.⁶ Letters that lack specifics and use hyperbolic language do not add value, and are not considered to be probative evidence that may form the basis for meeting this criterion.⁷ USCIS need not accept primarily conclusory statements. *1756, Inc. v. The U.S. Att’y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990). The authors’ assertions in the above-referenced letters do not explain how the Petitioner’s research findings have been widely implemented or relied upon by others in the field, or explain how his research has already “made a significant impact in the medical community globally.” Simply stating that the work is important or that it has potential to majorly impact the field in the future is not sufficient. Without additional detail explaining his accomplishments relating to new or innovative techniques or findings, the letters

⁵ Although we do not discuss every letter submitted, we have reviewed and considered each one.

⁶ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9.

⁷ *Id.* at 9.

discussed above do not establish that the Petitioner's research has had a demonstrable impact in his field commensurate with a contribution of major significance.

The Petitioner later submitted letters from two individuals who are employed outside of the OB/GYN department at [redacted] University [redacted] Hospital. [redacted] an associate professor at [redacted] University's Department of Radiology, states that the Petitioner "made numerous original and significant contributions to the field of Reproductive Medicine." [redacted] briefly summarizes the Petitioner's research in the areas of [redacted] diagnostic techniques, "optimization of the [redacted] clinical application with [redacted] injection system," and [redacted] tubal lesions. [redacted] maintains that the Petitioner's work "has influenced the field of Reproductive Medicine throughout China," noting that the referenced [redacted] technology "is being widely used" at three specific hospitals. He describes it as a new [redacted] tool that could be used "across the world." While [redacted] makes a specific claim regarding the impact of the Petitioner's research, it is unclear how he became aware of the use of the [redacted] technology at specific Chinese hospitals and he does not explain the source of his information. The record does not, for example, contain corroborating evidence from the hospitals which are claimed to have implemented the Petitioner's techniques. Further, although [redacted] indicates the potential for the Petitioner's [redacted] technique to impact the broader field, there is insufficient evidence to support a finding that it has already made such an impact.

Finally, the Petitioner submitted two letters from [redacted], an associate physician at [redacted] Hospital. [redacted] explains that the Petitioner served as a visiting physician to the OB/GYN department at her hospital in November 2017 and states that his guidance during that time improved the level of medical services provided by the department. She also references three of the Petitioner's published articles, noting that her department "uses these studies as guides for our own clinical research and practice." In addition, [redacted] notes that several hospitals in China use the [redacted] technology, and indicates that the Petitioner's work "has made a significant impact on the field of gynecology in China and has led other medical professionals to new discoveries and major breakthroughs in the reproductive science field." Finally, [redacted] states that the Petitioner has influenced the field "through China and several other countries including Germany, Austria, Brazil, Israel, Spain, Turkey and the U.S." Overall, while [redacted]'s statements tend to corroborate that the Petitioner has provided guidance regarding diagnostic techniques that has reached beyond the boundaries of the specific hospital where he works, they are insufficient to support a finding that his research has remarkably influenced or impacted the field of reproductive medicine. For example, simply alluding to unidentified "medical breakthroughs" that stemmed from the Petitioner's research is not sufficient to establish the major significance of his contributions. The expert opinion evidence reviewed in its totality does not establish how the Petitioner has already made a contribution of major significance in the field, rather than generally discussing the prospective, potential impacts of his research.

In addition to the submitted expert opinion letters, the Petitioner references his overall citation record, provides copies of articles that include what he considers to be notable citations to his work, and submits rankings of institutions whose researchers cited his published work.

The Petitioner has provided copies of approximately 16 published journal articles authored by him, but has not submitted his complete publication and citation record. He initially identified three articles

as being specifically relevant to his original contributions in the area of [redacted] methods: a 2015 article in the *Journal of Practical Obstetrics and Gynecology*, a 2014 article published in *Reproduction & Contraception*, and a 2011 article published in *Chinese Journal of Family Planning*. Similarly, he identified two journal articles in discussing his original contributions relating to [redacted] tubal lesions research: a 2015 article published in the *International Journal of Gynecology and Obstetrics*, and a 2018 article published in *Archives Gynecology and Obstetrics*. However, the Petitioner did not explain how any of the referenced articles have been deemed to signify an original contribution of major significance, and the referenced expert opinion letters did not discuss these individual publications and their impact within the field.

In response to the Director's request for evidence, the Petitioner identified his two "top cited" articles as a 2010 article published in *Journal of Practical Obstetrics and Gynecology* and a 2012 article published in *Chinese Journal of Clinical Obstetrics and Gynecology*,⁸ but did not explain how the noted citation rates demonstrate that his research was considered to be an original scientific contribution of major significance. Rather, a review of the submitted articles that reference the Petitioner's research does not show the significance of his contributions to the overall field beyond the authors who cited to his work.

For instance, the Petitioner provided an article entitled [redacted] [redacted] published in the *Chinese Journal of New Clinical Medicine* in 2016, in which the authors cited to the article that he claimed is his second most-cited.⁹ However, the article does not distinguish or highlight the Petitioner's written work from that of the other 27 cited papers or support his claim that his research has had a major impact on other researchers. In fact, the authors' citations indicate that the Petitioner's research group was one of four groups who have confirmed that a certain [redacted] Treatment is effective for treating a condition known as CSP. This evidence confirms that others, in the United States and abroad, were able to build upon the Petitioner's work and apply it to their own research. But it does not show that the impact of his work on the overall field of reproductive medicine rises to the level of an original contribution of major significance. The fact that the Petitioner has published articles that other researchers have referenced is not, by itself, indicative of a contribution of major significance. Publications are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance."

We acknowledge, however, that a petitioner may present evidence that his articles "have provoked widespread commentary or received notice from others working in the field, or entries (particularly a goodly number) in a citation index which cite [his] work as authoritative in the field, may be probative of the significance of [his] contributions to the field of endeavor."¹⁰

On appeal, the Petitioner submits a spreadsheet that is intended to rank 2,666 Chinese physicians who work at "ranked hospitals" and whose specialty is "reproductive medicine."¹¹ The Petitioner maintains that his work is cited "more than other professionals in his field" as his total number of citations ranks

⁸ The Petitioner stated that these articles had 38 and 36 citations, respectively, as of October 2018, but did not provide the source of these citation statistics.

⁹ Although we discuss a sample article referencing the Petitioner's work, we have reviewed and considered each one.

¹⁰ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9.

¹¹ The Petitioner indicates that the spreadsheet was compiled by using a listing of physicians located at www.haodf.com and citation records found on "the famous Chinese academic search platforms CNKI, Baidu and Google Scholar."

96th among this group and places him “in the top 3.6%” of the best OB/GYN physicians in China. Similarly, the Petitioner claims his average citation rate per published work places him in the top 1.8% of reproductive medicine physicians in China. However, figures that summarize citations to the Petitioner’s entire body of published work do not demonstrate that any specific work of his is so widely cited and relied upon that it is considered to have made a major impact in the field of cardiology. Comparison of the Petitioner’s cumulative citations to others in the field is often more appropriate in determining whether the record shows sustained national or international acclaim and demonstrates that he is among the small percentage at the very top of the field of endeavor in a final merits determination.

We acknowledge the Petitioner’s claim on appeal that his work is “cited significantly more often” in the categories of “Endometriosis Infertility,” “Hysterosalpingography,” and “Uterine Artery Embolization and Hysteroscopy.” Specifically, the Petitioner indicates that “according to Baidu Scholar (Chinese Google Scholar),” his articles are ranked second, fourth and first, respectively, among published articles in these sub-fields. The Petitioner provided only partially translated printouts from xueshu.baidu.com with what appear to be partial search results. As a result we cannot determine based on this evidence what search parameter was used, which limits the probative value of the submitted information. Even if the citations to individual articles published by the Petitioner were sufficiently documented, a relatively high citation rate for a given article, without more, would not establish that the published research was deemed an original contribution of major significance in the field. The Petitioner has not demonstrated, as he asserts, that any of the articles he characterizes as highly cited resulted in an original contribution of major significance in the field. While the Petitioner submitted corroborating evidence in the form of expert opinion letters, that evidence, for the reasons already discussed, is not sufficient to establish that any of the Petitioner’s research findings, individually or collectively, have remarkably impacted or influenced his field.

Although the Petitioner consistently claims that his “medical research and advances have greatly contributed to the reproductive medical field,” these claims are not adequately supported by the submitted recommendation letters or citation evidence. Considered together, the evidence consisting of the citations to the Petitioner’s published findings and the reference letters from his fellow obstetrics and gynecology physicians establishes that the Petitioner has been a productive researcher, and that his published data and findings have been relied upon by others in their own research, and perhaps impacted local diagnostic practices in certain Chinese hospitals. It does not demonstrate that the Petitioner has made an original contribution of major significance in the field of reproductive medicine. Therefore, he has not met this criterion.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held

that even 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. Comm’r 1994). Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.