



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

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

In Re: 16493401

Date: May 12, 2021

Appeal of Nebraska Service Center Decision

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

The Petitioner, a research university, seeks to classify the Beneficiary, its campus biological safety officer, 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 Nebraska Service Center denied the petition concluding that although the record demonstrated that the Beneficiary meets the initial evidentiary requirements for this classification, it did not establish that she has achieved the required sustained national or international acclaim and placement among the small percentage at the very top of her field. The matter is now before us on appeal.

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 that a beneficiary’s achievements in the field have been recognized in the field through a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then it must provide sufficient qualifying documentation demonstrating that the beneficiary meets at least three of the ten criteria 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 beneficiary 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); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner has employed the Beneficiary as its Campus Biological Safety Officer since May 2018 and intends to continue to employ her in this position. The Beneficiary earned her doctorate in biological sciences (environmental microbiology) in 2014 and has worked in the biological safety and biosecurity field since that time.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that the Beneficiary has received a major, internationally recognized award, it must demonstrate that she satisfies at least three of the ten alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Director determined that the Beneficiary met three of these evidentiary criteria, relating to judging the work of others in her field, authorship of scholarly articles in journals and conference proceedings, and serving in a leading or critical role for an organization with a distinguished reputation. *See* 8 C.F.R. § 204.5(h)(3)(iv), (vi) and (viii). The Director concluded that the record did not sufficiently support the Petitioner’s claim that the Beneficiary also satisfies the criterion related to original contributions of major significance at 8 C.F.R. § 204.5(h)(3)(v).

As the Director determined that the Beneficiary meets the initial evidence requirements, he reviewed the totality of the evidence in a final merits determination. He denied the petition after concluding that the Petitioner did not establish that the Beneficiary has achieved sustained national or international acclaim and that her achievements have been recognized in the field through extensive documentation.

On appeal, the Petitioner asserts that the Director erred in his determination that the Beneficiary does not meet the original contributions criterion at 8 C.F.R. § 204.5(h)(3)(v), did not give sufficient weight to expert opinion letters in the record, and did not appropriately weigh the evidence of the Beneficiary’s achievements in the final merits analysis.

After reviewing the record, we agree with the Director's conclusion that the Beneficiary satisfied the criteria at 8 C.F.R. § 204.5(h)(3)(iv), (vi), and (viii). We will therefore turn to the final merits determination below, where we will also consider the Petitioner's claims regarding the Beneficiary's original contributions in her field.

B. Final Merits Determination

As the Petitioner has submitted the requisite initial evidence, we will evaluate whether it has demonstrated, by a preponderance of the evidence, the Beneficiary's sustained national or international acclaim and that she is one of the small percentage at the very top of the field of endeavor, and that her achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze a beneficiary's accomplishments and weigh the totality of the evidence to determine if their successes are sufficient to demonstrate that they have extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.¹ Here, the Petitioner has not established that the Beneficiary meets this standard.

The record reflects that the Beneficiary completed a bachelor of science and master of science in biotechnology at [redacted] University in 2004 and 2006, respectively. She subsequently attended [redacted] University [redacted], where she completed her master of science in plant molecular genetics and biotechnology (2009), and her doctorate degree in biological sciences with a concentration in environmental microbiology (2014). In June 2018, she received a professional certification as a Registered Biosafety Professional from the [redacted] International [redacted] International). The Beneficiary's professional experience includes employment as a microbiology consultant and laboratory safety scientist at [redacted] (2013-2016), as a Biological Safety Officer at [redacted] University (2016 to 2018), and as the Petitioner's Campus Biological Safety Officer since May 2018.

As mentioned above, the Petitioner established that the Beneficiary meets the criteria for judging, scholarly articles, and leading or critical roles. It has also submitted evidence related to her contributions to the biosafety and biosecurity field. At issue is whether the record establishes that she is one of that small percentage who has risen to the very top of her field and that she has sustained national or international acclaim under 8 C.F.R. § 204.5(h)(2)-(3).

The record demonstrates that the Beneficiary has participated as a judge of the work of others in her field. An evaluation of the significance of her judging experience is appropriate to determine if such evidence is indicative of the extraordinary ability required for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22. The Director acknowledged the Beneficiary's service as a judge for [redacted] International's annual [redacted] Publication Award in 2019, but determined that the Petitioner did not demonstrate that her "participation in the widespread peer-review process, a routine

¹ *See also* 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 AD1 1-14 4 (Dec. 22, 2010), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html> (stating that USCIS officers should then evaluate the evidence together when considering the petition in its entirety to determine if the petitioner has established by a preponderance of the evidence the required high level of expertise of the immigrant classification).

process in the field relying on many scientists, exceeds that of other researchers or reflects sustained acclaim.” The Director further observed that such acclaim “is more commonly associated with selection for service on editorial boards of prestigious journals or serving as general chair of professional scientific conferences.” The Director concluded that serving as a judge on one occasion within one year of the filing of the petition did not reflect that the Beneficiary has “a career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990).

On appeal, the Petitioner objects to the Director’s characterization of the Beneficiary as a “researcher,” emphasizing that the record does not represent her as such. Therefore, the Petitioner argues that “USCIS’s opinion as to what constitutes acclaim is misguided and their substitution of their opinion as to what constitutes acclaim” in the Beneficiary’s field is “an abuse of discretion.” With respect to the Beneficiary’s participation as a judge for [redacted] International’s [redacted] Award, the Petitioner maintains that the Director “ignored the magnitude of this honor” and that the Beneficiary’s service as a judge in this capacity “was on a level of sustained national or international acclaim.”

The evidence reflects that the [redacted] Award is granted by [redacted] International annually to the author(s) of an article published in the association’s *Applied Biosafety* journal which “reports a significant contribution in scientific investigation and/or health and safety.” A screenshot from the [redacted] website indicates that award nominations are made by a committee formed by two members of its awards committee and two members of its publications committee. The Petitioner also provided evidence that the Beneficiary, who was co-chair of [redacted] publications committee, was one of the committee members who volunteered to review and score articles as part of the award nominating subcommittee. The evidence does not establish, however, how the Beneficiary’s voluntary participation on the nominating committee for this publication award is “on a level of sustained national or international acclaim” or sufficiently corroborate the claimed “magnitude of this honor.”

The record also demonstrates that the Beneficiary participated as a mentor in [redacted] [redacted] annual [redacted] Program, which is operated by [redacted] and sponsored by the U.S. Department of State.² The evidence indicates that the program pairs experienced biosafety professionals from developed countries with their counterparts in the developing nations to enhance networking opportunities, share best practices, and identify opportunities for improvement, collaboration, and professional development. The record reflects that the Beneficiary mentored [redacted] of the [redacted] [redacted]. The Petitioner explains that she “has been serving as a mentor and judge of [redacted] work in his efforts to improve the overall biosafety and biosecurity of the [redacted] research laboratories at [redacted].”

The Petitioner asserts that the Beneficiary’s invitation to serve as a mentor in this prestigious international program “does in fact demonstrate sustained acclaim,” emphasizing that several of the experts who provided letters in support of the petition mention that they “are aware of her role in this project.” In addition, the Petitioner maintains that “only the most accomplished and reputable biosafety professionals are recruited to serve as mentors within the [redacted].”

² We note that while the Petitioner submitted evidence related to this program for consideration under the judging criterion at 8 C.F.R. § 204.5(h)(3)(iv), the Director did not address this evidence in the final merits determination.

[redacted] Program.” The Petitioner provided a letter from [redacted] a senior member of the technical staff at [redacted] [redacted] Program. [redacted] who is also the chair of [redacted] International Engagement Committee, discusses the Beneficiary’s work with [redacted] and indicates that he invited her to join the [redacted] [redacted] Program based on her “reputation as a highly skilled biosafety and security professional with a proven track record of leadership and engagement, especially in her many roles within [redacted]” He also states that “all biosafety professionals selected from the United States for the [redacted] Program have been outstanding members of [redacted]” and that [redacted] “has a reputation of collaborating with the best of the best when it comes to biosafety and biosecurity personnel.” [redacted] Director of [redacted] states that he has served as a mentor in the [redacted] [redacted] Program and can confirm that [redacted] “has a reputation of working and collaborating with the best and brightest” in the field.

The record, however, does not sufficiently document the criteria or process by which this peer mentorship program invites or selects its mentors or indicate whether or to what extent selection is based on a prospective mentor’s national or international acclaim in the field. The evidence in the record supports a determination that participation as a mentor in the [redacted] program is regarded in the field as a significant professional achievement, but the record does not demonstrate that the Beneficiary’s involvement in the 2019 program sets her apart from her peers to the extent that it reflects her placement among the small percentage of individuals at the very top of her field. Nor does the evidence establish that she garnered national or international acclaim because of her participation. Overall, the Petitioner has documented two instances of the Beneficiary’s participation as a judge that took place during the year preceding the filing of this petition. It has not demonstrated how this recent experience supports a finding that she has a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59.

With respect to the Beneficiary’s authorship of scholarly articles, the Director observed that she had published “approximately 13 scholarly articles, only two of which had been cited, receiving 15 total citations.”³ The Director determined that, while the citations show that the field has noticed her work, the Petitioner did not establish that the citation rates are sufficient to demonstrate a level of interest commensurate with sustained national or international acclaim. The Director reached the same conclusion with respect to the Beneficiary’s publication record, noting that the Petitioner did not provide, for example, evidence that would allow a comparison between her publication and citation record with those who are recognized for being at the top of the field.

On appeal, the Petitioner argues that the Beneficiary’s professional field of biological safety and security “is not a purely academic, nor a purely scientific field. It is a professional field that mandates the dissemination of original and groundbreaking information through hands-on conferences and workshops.” The Petitioner emphasizes that most of the Beneficiary’s peer-reviewed publications

³ The record reflects that the Director obtained these figures from the Beneficiary’s *Google Scholar* citation history submitted in response to a request for evidence in September 2020. While there are 13 titles listed, it does not appear that every listed item was published in a peer-reviewed professional publication such as a journal or conference proceeding. For example, three of the entries are for professional development courses for which the Beneficiary served as a co-instructor and three are for workshops or webinars that do not have associated published proceedings. The Beneficiary’s resume lists six publications in peer-reviewed conference proceedings between 2012 and 2018, one peer-reviewed journal article published in 2016, and two additional journal articles that were “in preparation” as of 2020.

“appear in major conference proceedings for all of the conferences in which she has presented her extraordinary work in biological safety and biosecurity.” In addition, the Petitioner maintains that the Beneficiary “is not in a field where citations are common,” and submits that “citations are not an accurate means of determining whether [the Beneficiary] has established a sufficient level of interest in the field commensurate with sustained national or international acclaim.” While the Petitioner de-emphasizes the importance of publications and citations in the biosafety field, the record reflects that there are in fact peer-reviewed journals and conferences in this field and does not sufficiently corroborate the Petitioner’s claim that citations in this field are generally uncommon.

Further, the Petitioner has not offered an alternate basis for comparison to demonstrate how the Beneficiary’s record of scholarly publications and conference presentations sets her apart from other biosafety professionals and places her among the small percentage at the top of the field. The record reflects that, at the time of filing, she had six publications in peer-reviewed international conference proceedings, two of which were published after she completed her Ph.D. and started working in the biosafety field.⁴ Specifically, she presented at the 2017 and 2018 [redacted] International Conferences. The record reflects that she [redacted] professional development course on [redacted] [redacted]’ at the 2017 [redacted] International Conference, and co-instructed the pre-conference course ‘ [redacted]’ on three occasions (at the 2018 and 2019 [redacted] International Conferences at the 10th International Symposium for [redacted] in 2018). A letter from [redacted] who served as the Beneficiary’s co-instructor for the latter course, emphasizes that ‘ [redacted] pre-conference [courses] are peer reviewed by the [redacted] pre-conference committee,’ noting that “it is an extremely competitive process, where only a few courses are selected to be present[ed] after a thorough peer review.”

While we do not doubt that the Beneficiary’s active involvement in [redacted] International conferences has garnered her recognition from conference attendees who participated in her workshops and sessions, the record does not establish how her publications in conference proceedings over the last three years, none of which have been cited by others, have earned her sustained national or international acclaim in the field or how her activities in these areas compare to other professionals in the field. Further, while the record indicates that there is a competitive peer review process associated with participation in these conferences, the evidence does not demonstrate that presentation opportunities and workshops are reserved only for those at the top of the biosafety field. The selection of the Beneficiary’s papers and courses in consecutive years is noteworthy and reflective of the high quality of her work. We also note that several of the expert opinion letters comment on her talents as a public speaker and educator and her ability to effectively communicate with diverse audiences. However, the record does not establish how the Beneficiary’s scholarly work, whether published or presented, has earned her sustained acclaim, or how it sets her apart from others and places her among that small percentage at the very top of the field of endeavor. See 8 C.F.R. § 204.5(h)(2).

⁴ The Beneficiary’s previous conference proceeding articles were published in 2012 and 2013 at the [redacted] [redacted] Annual Meeting, the [redacted] International Annual Meetings, the [redacted] Annual Meeting, and the 5th International Conference on [redacted]. The Beneficiary’s *Google Scholar* profile also lists her presentations at the 10th and 11th [redacted] in 2018 and 2019. She lists these in her resume as “invited talks” rather than as peer-reviewed conference proceeding publications.

The Director's decision reflects that he acknowledged both the Beneficiary's leading and critical role for the Petitioner, and the Petitioner's distinguished reputation. The Director concluded, however, that the record did not demonstrate that her employment in this role reflects or has resulted in the Beneficiary's widespread acclaim in the field. Further, the Director observed that the record did not demonstrate that the Beneficiary had held a leading or critical role for any other organizations or establishments with distinguished reputations. On appeal, the Petitioner maintains that the Director "ignored the evidence" when determining that the Beneficiary's role for the Petitioner is not "representative of sustained national or international acclaim or 'a career of acclaimed work in the field.'" The Petitioner also argues that "nothing in the regulations requires the beneficiary to show that she was in a leading or critical role with more than one distinguished organization, but in fact, she was."

The Petitioner highlights the evidence in the record which establishes the critical nature of the Beneficiary's role for the petitioning university and the Petitioner's own distinguished reputation among research universities. This evidence includes letters from several university officials, including [redacted], [redacted], [redacted] and [redacted]. The Petitioner extensively quotes from these letters and maintains that "ample evidence has been provided in support of [the Beneficiary's] critical role." However, the Beneficiary's critical role for the Petitioner has been acknowledged and is not at issue. The letters referenced above discuss the Beneficiary's responsibilities and accomplishments in great detail and confirm that she serves in a highly critical role for the petitioning university, that she chairs a working group of biosafety officers within the University [redacted] system, and that she has been an invaluable technical and subject matter expert in the rural county where the Petitioner is located, coordinating both the university response and the local public health response to the coronavirus pandemic, particularly while this petition was pending.

However, these letters do not explain how the Beneficiary had already received recognition in the field based on her campus biosafety role and her leadership of campus and community pandemic response efforts at the time the petition was filed in March 2020. 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). In its response to the Director's request for evidence (RFE), the Petitioner provided evidence that the Beneficiary had been invited to speak on COVID-19 biosafety related topics, including a webinar sponsored by [redacted] International and a webinar hosted by the [redacted] in India, in August and September 2020. The Petitioner also indicated at the time of the RFE response that the Beneficiary had three new manuscripts for publication underway "all of which relate directly to the pressing COVID-19 pandemic." However, the record does not establish that speaking engagements that occurred after the filing of the petition or papers that have not yet been published have contributed to her national or international acclaim in the field at the time of filing.

The evidence provided at the time of filing did not demonstrate how the Beneficiary's performance in the Campus Biosafety Officer role resulted in her national or international recognition or otherwise drew significant attention from the greater field. The Petitioner emphasizes that "it goes without saying that due to the coronavirus/COVID-19 pandemic, the role of biological safety and biosecurity officers are being highlighted worldwide," but this general assertion does not speak to the Beneficiary's individual acclaim in the field when this petition was filed.

The Petitioner further argues that the Director failed to consider evidence establishing the Beneficiary's leading role with [redacted] International, which is described in the record as "the world's [redacted] professional organization." Specifically, the Petitioner emphasizes that the Beneficiary was a founding member of [redacted] International's [redacted] (which was later given committee status), serves as chair of its [redacted], and appeared in a video series made by [redacted] International to celebrate [redacted] in [redacted] 2019. The Petitioner particularly emphasizes that the Beneficiary's nomination to serve in the critical role of chairperson for the [redacted] [redacted] "confirms that biosafety professionals around the world view [her] as a leader in this field."⁵

The Petitioner submitted a screenshot from [redacted] International's website ([redacted]org/leadership) which indicates that the association's leadership includes a president, a council that serves as its governing body, several teams (each of which has its own leadership and is made up of several committees), and committees, which are each led by a chairperson/co-chair. The website's section on "Teams & Committees" states that "the individuals listed on this page are volunteers" in reference to the team and committee leaders. The record also includes a letter addressed to the Beneficiary from [redacted] International [redacted] in which he thanks her for being a chair on the [redacted] [redacted] and notes that "[v]olunteers are the lifeblood of any association and [redacted] International would not exist without the caring, dedicated, knowledgeable and highly professional volunteers from around the globe."

Reference letters from both [redacted] and [redacted] International Executive Director [redacted] [redacted] address the Beneficiary's committee roles within the association. [redacted] states that "[h]er rise to significant leadership roles within [redacted] International is evidence that [the Beneficiary] is truly regarded as an international expert in the areas of biosafety and biosecurity." [redacted] mentions that the Beneficiary was nominated for her [redacted] co-chair and chair roles and that this "speaks volumes about the regard her peers hold for her work." However, as noted above, other evidence indicates that committee positions, including chair or other leadership positions, are staffed by volunteers. Absent additional evidence or explanation regarding the nomination and approval process for committee chair positions, it is unclear to what extent serving in such a role for one of many of [redacted] International's committees is reflective of or results in one's national or international acclaim within the organization or within the broader field.

Overall, the record reflects that the Beneficiary has been a very active member of [redacted] since joining the organization in 2014 and has held [redacted] positions since 2017. She has also raised her profile by having her [redacted] presentations and/or workshops accepted for inclusion in the organization's annual conferences in 2017, 2018 and 2019. [redacted] notes that as a result of these activities, she is "starting to be seen as a leader within [redacted]" but the evidence does not demonstrate that her activities within this professional association over the last few years have

⁵ The Petitioner emphasizes that publication of the journal *Applied Biosafety* is one of the most important goals of [redacted] International as a professional association and that this makes the Petitioner's role on the [redacted] particularly critical. The screenshot from [redacted] International's leadership page indicates that there is a Journal Board responsible for publication of *Applied Bioscience*, led by [redacted] editors. The stated purpose of the [redacted] is "to promote and foster the [redacted] of biosafety media."

resulted in sustained national or international acclaim in her field or placed her among the small percentage at the very top of the field. See 8 C.F.R. § 204.5(h)(2)-(3).

We have also considered evidence related to the Beneficiary's original contributions in her field, which includes the above-referenced statements from the Petitioner's representatives and [redacted] International leadership, as well as other professional acquaintances and colleagues. The Petitioner identified the Beneficiary's contributions as (1) the development of "the first biosafety annual audit program in [redacted]" and (2) the "selection of her original work for presentation at conferences, workshops, symposia and webinars in the field."

In his letter, [redacted] of [redacted] provides details regarding the Beneficiary's mentorship relationship with [redacted] of [redacted] as a participant in the [redacted] Program, noting that "with the expert guidance of [the Beneficiary], [redacted] is developing an annual lab audit program, which when piloted successfully at [redacted] would also be shared with other [redacted] research labs." [redacted] also mentions in his letter that the Beneficiary's project plan for [redacted] was expected to serve as a model for other laboratories throughout [redacted] and would "be highly beneficial to the region as a whole in terms of responding to modern global pandemics." In response to the Director's request for evidence, the Petitioner provided more information about the project, explaining that [redacted] was jointly established by the [redacted] government and the [redacted] [redacted] of the National Institutes of Health as "[redacted]'s first Biosafety Level 3 laboratory." The Petitioner stated that the facility had never conducted an annual biosafety audit program prior to [the Beneficiary's] intervention" and that no such annual biosafety audit had been conducted nor existed anywhere in [redacted] up to that point."

The Petitioner later submitted a letter from [redacted] who states that "[the Beneficiary's] [redacted] could not have come at a more critical time for [redacted]" which, at the time his letter was written was analyzing 90% of the samples for COVID-19 samples in [redacted]. He emphasized that [redacted] would not have the capacity to test and analyze such a large volume of samples if the Beneficiary had not provided her regulatory and practical guidance in implementing the biosafety program at the laboratory. [redacted] also stated that her contributions to [redacted] "stands to serve as a model for other laboratories in [redacted]." This evidence establishes that the Beneficiary's participation in the [redacted] program resulted in an important contribution to laboratory safety at [redacted] that became particularly significant in light of the COVID-19 pandemic and is expected to influence laboratory safety practices throughout [redacted] in the future. However, the record does not establish how the implementation of the annual audit program at [redacted] had resulted in the Beneficiary's individual acclaim or recognition outside the program itself when the petition was filed.

The Petitioner has maintained that the Beneficiary's "highest contributions come in the form of widely broadcast, high impact (and often times international) presentations of her unparalleled knowledge and expertise in biological safety and biosecurity." The Petitioner particularly highlighted the selection criteria for the [redacted] Annual Conference, noting that the selection of presentations and workshops is based on factors that include the relevance of the topic, scientific merit, the targeted audience, and, if applicable past evaluations of the speaker or course instructor. The record reflects that since 2017 the Beneficiary had been an invited presenter at two [redacted] conferences and at two [redacted] Symposia in Mexico and has co-instructed pre-conference workshops at both conferences. She also gave a webinar presentation for a livestream

event sponsored by [redacted] and was invited to give a talk at the 4th [redacted] Workshop sponsored by the [redacted] office and [redacted] University. The submitted recommendation letters discuss these activities, but do not establish how her individual presentations and workshops are deemed by the field to be contributions of major significance or how they, individually or collectively, reflect her sustained national or international acclaim or are otherwise indicative of a high level of recognition in her field. The record therefore is insufficient to support a finding that the Beneficiary's contributions have been recognized by the field in a manner consistent with being among "that small percentage who [has] risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

Finally, the record contains recommendation letters from the Beneficiary's colleagues and professional acquaintances that discuss her professional achievements and express the authors' opinions regarding her standing in their shared field. For instance, [redacted] states that the Beneficiary "is truly a rising star in biological safety and biosecurity," who, in "in a very short period of time . . . has established herself as an expert in these fields" and "has a bright future ahead of her as an internationally recognized expert." Further [redacted] states that the Beneficiary's "knowledge in the realm of biological safety, risk, security and management are undoubtedly extraordinary and place her among a small group of experts operating at the very top of the field." [redacted] a supervisory microbiologist with the [redacted] Biorisk Management Unit, states that the Beneficiary is "a professional who possesses extraordinary knowledge and skill of the biosafety and biosecurity field" who has been "on a path to becoming a notable biosafety professional" since joining the profession in 2014. [redacted] states that "it is my professional opinion that [the Beneficiary] is an internationally recognized expert in this field and she is rapidly emerging as one of the leading scientists and educator in the field of Biosafety and Biosecurity in the United States."

Here, while the letters (including those reviewed and not discussed here) praise the Beneficiary's expertise in her field, they do not provide sufficient information and explanation, nor does the record include sufficient corroborating evidence, to show that she is already viewed by her overall field, rather than by a solicited few, as being among that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(2). The record establishes that the Beneficiary is a successful, committed professional who performs important work in the biosafety and biological security field. The evidence provides support for [redacted]'s assertion that the Beneficiary is "a rising star" who has gained notice in the field for her achievements over the past several years and is likely poised for national or international recognition in the future.

However, the record as a whole does not establish the Beneficiary's eligibility for the benefit sought. Here, the Petitioner seeks a highly restrictive visa classification for the Beneficiary, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. Even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability." *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, we find the record insufficient to demonstrate that the Beneficiary has sustained national or international acclaim and is among the small percentage at the top of her field. *See* section 203(b)(1)(A)(i) of the Act and 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated the Beneficiary's 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.