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

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

U.S. Citizenship and Immigration Services

COPY

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FILE: [redacted] Office: TEXAS SERVICE CENTER Date: JUL 28 2009
SRC 07 013 53258

IN RE: Petitioner:
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 a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

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

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

The director concluded that the petitioner had not established that she was coming to the United States to continue in her area of expertise. The director also implied that the petitioner had not demonstrated *sustained* acclaim but did not address the regulatory criteria for demonstrating acclaim, set forth at 8 C.F.R. § 204.5(h)(3).

On appeal, the petitioner submitted additional evidence, including correspondence from [redacted], allegedly of [redacted]. Specifically, in a letter dated August 17, 2007, [redacted] thanks the petitioner for submitting an application to [redacted] and offering her a position as a production manager in their hybrid rice production division. A second letter dated August 29, 2007 expressed excitement that the petitioner had agreed to take the position.

On April 27, 2009, this office advised the petitioner of adverse information and our intent to dismiss the appeal. Specifically, we advised the petitioner that we were unable to confirm the existence of [redacted] as an agricultural business. We also questioned the petitioner's address, which is a roofing and siding company. This office also advised the petitioner that the record did not establish the petitioner's sustained national or international acclaim in hybrid rice production and requested additional evidence to explain the significance of the evidence of record.

In our notice, we explained that the AAO maintains plenary power to review each appeal on a *de novo* basis. 5 U.S.C. § 557(b) ("On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule."); *see also Janka v. U.S. Dept. of Transp., NTSB*, 925 F.2d 1147, 1149 (9th Cir. 1991). The AAO's *de novo* authority has been long recognized by the federal courts. *See, e.g., Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989).

In response, the petitioner asserts that she was unaware that [redacted] was not a legitimate business, that she was residing with individuals who run a roofing company out of their home and submits correspondence between herself and Texas A&M University. Regarding our detailed and specific concerns regarding the evidence purporting to document the petitioner's national or international acclaim, counsel reiterates previous claims without sufficiently addressing our concerns. The petitioner submits evidence purporting to document her national or international acclaim in the field, the vast majority of which was already submitted and remains part of the record on appeal. For the reasons discussed below, the petitioner's response does not fully resolve our concerns over the

[redacted] correspondence. In addition, counsel has insufficiently addressed and the petitioner has not overcome our concerns regarding the petitioner's failure to demonstrate sustained national or international acclaim.

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

> (1) Priority workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):
>
> > (A) Aliens with extraordinary ability. -- An alien is described in this subparagraph if --
> >
> > > (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
> > >
> > > (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
> > >
> > > (iii) the alien's entry into the United States will substantially benefit prospectively the United States.

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

According to Part 6 of the petition, this petition seeks to classify the petitioner as an alien with extraordinary ability in "Agrarian Reform – Hybrid Rice." The regulation at 8 C.F.R. § 204.5(h)(5) provides:

> *No offer of employment required.* Neither an offer for employment in the United States nor a labor certification is required for this classification; however, the petition must be accompanied by clear evidence that the alien is coming to the United States to continue work in the area of expertise. Such evidence may include letter(s) from prospective employer(s), evidence of prearranged commitments such as contracts, or a statement

from the beneficiary detailing plans on how he or she intends to continue his or her work in the United States.

Initially, the petitioner submitted no evidence relating to her intent and ability to work in her field in the United States. On November 7, 2006, the director requested evidence regarding how the petitioner would continue work in her field in the United States. In response, the petitioner submitted a personal statement asserting that she intended to provide her "expertise as an Agrarian Reform – Hybrid Rice specialist to agricultural departments of both the federal and state governments as well as to the private sector, by looking for a job in newspapers and on the internet." In the alternative, the petitioner proposes to teach courses on the subject "at schools or local colleges" in the United States. She submitted announcements for a senior agricultural development specialist focusing on the dairy industry with the State of Vermont and two agricultural program specialists relating to ad hoc livestock assistance programs with the U.S. Department of Agriculture.

The director concluded that the positions advertised were not sufficiently related to the petitioner's claimed area of expertise, hybrid rice production, and denied the petition. On appeal, counsel noted that the petitioner was admitted as a tourist and did not have work authorization until she filed her adjustment application concurrently with the instant petition. Counsel further asserted that the petitioner has conducted an analysis of hybrid rice farming in the United States and is pursuing job opportunities in that area with federal and state entities as well as universities. The petitioner submitted (1) a personal statement; (2) a brief analysis of the rice market in the United States, noting the 3.1 million acres of rice fields in the United States, the U.S. position as an exporter of rice and growing demand for rice in the United States and concluding that the need for agrarian reform – hybrid rice specialists is growing and (3) a technical proposal for Texas A&M University to test the use of high yielding seed varieties and the sustainable/organic rice farming methods introduced by the petitioner under the Department of Agrarian Reform in the Philippines. The petitioner supplemented the appeal with (1) a letter from [redacted], a professor at Prairie View A&M University asserting that there are opportunities in the United States for the petitioner's skills; (2) a letter from [redacted] of Texas A&M University advising the petitioner that her proposal would be forwarded to [redacted] head of the university's Department of Soil and Crop Sciences and [redacted] Director of the university's Borlaug Institute for International Agriculture and (3) the abovementioned correspondence from [redacted]

As stated in our April 27, 2009 notice, we attempted to confirm the status of [redacted]. A search of taxable entities in Texas at http://ecpa.cpa.state.tx.us/coa/Index.html, however, produced no results for this company. We also searched for the company at www.google.com, but the only results related to handbags. Our search on the same site for the company address produced no results for [redacted] and our search of the phone number on the same site revealed that it is assigned to Gerasimos Fexis individually, not a business. All search results, performed April 23, 2009, have been incorporated into the record of proceedings and were provided to the petitioner in support of our notice.

In response, the petitioner asserts that she was told by [redacted] "of [redacted]" that the company intended to open six acres in February 2008 and that they would apply "Agrarian Reform-Hybrid Rice technology on their farm." She further asserts that she "didn't try to find out whether the company was legitimate or not or if they were involved in the agricultural industry." She concedes that she has not been able to obtain documentation demonstrating that [redacted] is a legitimate agricultural business. The petitioner also submits electronic-mail correspondence between her and Dr. in which [redacted] agrees to discuss her proposal.

The petitioner's explanation for the [redacted] letter is not persuasive. The August 17, 2007 letter from [redacted] thanks the petitioner for applying for a job with the company, indicating that the petitioner herself pursued the employment rather than being approached by [redacted] without prior knowledge of the company. The petitioner does not explain how she learned of [redacted] to apply for the job. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). The petitioner's statement does not resolve the inconsistencies discussed in our April 27, 2009 notice.

Moreover, the correspondence from Texas A&M University does not reveal that [redacted] has reviewed the actual technology promoted by the petitioner in the Philippines and has concluded that such technology is applicable in the United States. Significantly, the proposal submitted with the initial appeal is void of any specifics as to the program the petitioner promoted in the Philippines. [redacted] has merely agreed to meet with the petitioner and discuss her proposal.

Even if we concluded that the correspondence from [redacted] were sufficient to establish the petitioner's intent and ability to secure employment in her claimed area of expertise in the United States, the petitioner has not overcome our concerns, set forth in our April 27, 2009 notice, that the record does not establish the petitioner's sustained national or international acclaim in rice technology promotion. As noted in our April 27, 2009, the petitioner does not claim to have developed hybrid rice or the methodology for growing it. Rather, the record shows only that in her position with the Filipino government, she promoted the use of this rice and growing methodology.

The regulation at 8 C.F.R. § 204.5(h)(3) indicates that an alien can establish sustained national or international acclaim through evidence of a one-time achievement (that is, a major, international recognized award). Barring the alien's receipt of such an award, the regulation outlines ten criteria, at least three of which must be satisfied for an alien to establish the sustained acclaim necessary to qualify as an alien of extraordinary ability. The petitioner has submitted evidence that, she claims, meets the following criteria.[1]

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

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 the following documents: (1) a 2004 Certificate of National Joint Award of Recognition from the Filipino Department of Agrarian Reform (DAR) for outstanding performance in the successful implementation of the Japan funded hybrid rice demonstration farm in the province of Misamis Oriental; (2) a 2004 Certificate of Appreciation from DAR for "diligent efforts, patience and shared her best knowledge in facilitating the successful Season Long Training Farmer Field School (FFS) for Hybrid Rice Production; (3) a 2004 Award of Appreciation from the Mambuaya Agrarian Reform Beneficiaries Multi-Purpose Cooperative, Cagayan de Oro City, in recognition for her contributions to and involvement with farmers and (4) a 2001 scholarship under the local scholarship program administered by the Civil Service Commission.

The petitioner also submitted what appears to be a September 2006 press release authored by [redacted], the petitioner's personnel officer (who has known the petitioner since they attended college together) announcing the petitioner's recognition from DAR's Provincial Agrarian Reform Office, Province of Misamis Oriental, under the Program for Awards and Incentives for Service Excellence (PRAISE). According to the release, on DAR letterhead, PRAISE "recognizes and awards the performance of the individual personnel for their motivation and self fulfillment which will in effect enhance the productivity of the office and the agency as a whole." The press release, purporting to document employee recognition, is issued six months after the petitioner arrived in the United States on a tourist visa for a one-month stay to attend a conference[2] and apparently abandoned her employer by remaining indefinitely in the United States.

In our April 27, 2009 notice, we requested evidence that the employee recognition, scholarship and expressions of appreciation received by the petitioner are nationally or internationally recognized awards or prizes in the field of agriculture marketing. We also requested an explanation as to how a scholarship is indicative of the petitioner's status as one of that small percentage at the top of her field, including those who have completed their education. In response, counsel noted the previously submitted evidence, which is resubmitted with the response. Counsel also asserts that a previously submitted job appointment letter serves to meet this criterion. The petitioner also submits two new awards with no explanation as to why these awards were not submitted initially. The two new awards are a 2004 Award of Excellence from DAR "for exemplary ability and leading the department with the introduction of improved scientific farming technology of agrarian reform – hybrid rice that has been contributing to the nationwide increase of rice yield" and a 2005 "Award of Appreciation" from the Office of the President to the DAR provincial office of Misamis Oriental. The latter award is not an award received by the petitioner. Counsel asserts that "several" of the awards are national. Finally, the petitioner submits a letter from [redacted] asserting that the petitioner was one of 312 employees who qualified for the scholarship to attend the Master's degree program while being "relieved from her work with salary."

[2] The petitioner submitted her nonimmigrant visa in support of her Application to Register Permanent Residence or Adjust Status, Form I-485.

The new evidence does not sufficiently address our concerns. First, a job appointment is not an award or prize and will not be considered under this criterion. Rather, we will consider her appointment under the leading or critical role criterion set forth at 8 C.F.R. § 204.5(h)(3)(viii). Moreover, we are not persuaded that a scholarship, which allowed the petitioner to secure education in the field of human resource management, is a prize or award for excellence in her field, promoting rice farming methodology. While [redacted] asserts that the petitioner was selected based on DAR's interest in her managing hybrid rice technology introduction nationwide, the record contains no information from the Filipino Civil Service Commission regarding the selection criteria for these scholarships. We are not persuaded that a government agency's interest in improving the education level of its employees is indicative of or consistent with the national or international acclaim of each employee selected to receive a scholarship.

As stated above, the petitioner is not the recipient of the award from the Filipino President. While Ms. [redacted] asserts that the award was in recognition of the petitioner's work, the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(i) requires evidence of the petitioner's "receipt" of qualifying awards or prizes. Thus, recognition received by her employer cannot satisfy this criterion.

Regarding the certificates issued by DAR, we cannot ignore that the petitioner was a DAR employee at the time she received these certificates of recognition and appreciation. The petitioner's employment for a government agency does not transform what would otherwise represent employer appreciation for dedication and success in the duties assigned into a nationally or internationally recognized award or prize. Despite our request for evidence demonstrating that these awards are nationally or internationally recognized, counsel merely asserts that "several" of them are "**national** in scope." (Emphasis in original.) At issue is not whether the award is "national in scope" but whether the award is nationally or internationally recognized. Regardless, the unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena,* 19 I&N Dec. 533, 534 n.2 (BIA 1988); *Matter of Laureano,* 19 I&N Dec. 1, 3 n.2 (BIA 1983); *Matter of Ramirez-Sanchez,* 17 I&N Dec. 503, 506 (BIA 1980). The record contains no evidence that the most experienced and renowned members of the petitioner's field, whether or not working for the government, aspire to win the employee recognition she has received. Despite our request for evidence that these awards are nationally or internationally recognized, the record still lacks even the most basic information about these awards, such as how many are issued each year and whether the awardees are initially selected at the national level or by the local provincial office where the petitioner works.

We acknowledge the press release in the *Gold Star Daily,* advertised as the "Biggest Newspaper in Mindanao." [redacted], Business News Editor of this publication, affirms that it is circulated "throughout the big island of Mindanao, Philippines." We are not persuaded that the press release appearing in this regional publication is indicative of or consistent with the national or international recognition of PRAISE.

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

Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.

As stated above, the petitioner submitted a press release appearing the *Gold Star Daily*. We now acknowledge that the initial submission included the letter from [redacted] asserting that the newspaper is circulated throughout the island of Mindanao with a total circulation of 10,000. Our request for additional evidence, however, requested the official circulation and distribution data for this newspaper. In response, the petitioner submits a new letter from [redacted] now stating that the newspaper has a circulation of 30,000 and implying that the paper is circulated nationwide in the Philippines. [redacted] asserts that the newspaper provides national and international information to the public and that the coverage of the petitioner in 2006 "was considered a great example on how this newspaper gives information nationwide." [redacted] does not explain the inconsistencies in circulation numbers and area of distribution between his two letters. As stated above, it is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. at 591-92.

Ultimately, the press release cannot serve to meet this criterion. Significantly, the regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires that the petitioner provide the author of the published material, revealing that the identity of the author is relevant and material information. A press release authored by the petitioner's own human resources officer does not represent the type of independent journalistic coverage that can serve as evidence indicative of or consistent with national or international acclaim. Moreover, even assuming that the *Gold Star Daily* has tripled its circulation since 2006, it remains that when the press release appeared in that publication it was only distributed on the island of Mindanao. The record contains no evidence that the paper was nationally circulated in 2006 or that it otherwise should be considered major media.

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

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

Neither the petitioner nor counsel ever claims that the petitioner meets this criterion. Nevertheless, we acknowledge that the record contains letters from the petitioner's coworkers and employee recognition affirming the petitioner's successful fulfillment of her job duties in promoting hybrid rice organic farming methodology. As stated above, the record does not demonstrate that the petitioner either developed the hybrid rice or the organic farming methodology. Rather, it was her responsibility to promote methodology developed by others. We are not persuaded that the petitioner's work in this area represents an original contribution. The record contains no evidence that her promotion methodology has been duplicated in other agricultural areas or other evidence of the petitioner's influence.

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

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

The petitioner submitted a September 2006 article in *Agriculture Magazine* that constitutes a "how to" grow hybrid rice using organic methods. The article, published six months after the petitioner entered the United States in March 2006, does not suggest that the petitioner developed either the hybrid rice or the organic methods for growing it. The petitioner also submitted a letter from [redacted] Editor of the Agriculture Section of the Manila Bulletin Publishing Corporation, advising that *Agriculture Magazine* is "a widely circulated monthly magazine" that features "how-to articles on various agri-topics, research results and stories about people in farming who have practical and doable ideas, whether in the production of crops, livestock and poultry, fisheries, ornamental horticulture and others."

In our April 27, 2009 notice, we requested evidence regarding how this article constituted a scholarly article in the field of promoting agricultural methodology. In response, the petitioner submits a new letter from [redacted] asserting that after "screening" by [redacted] and other agricultural experts, the petitioner's article was published based upon a determination that it met the magazine's national standard. He notes that the article contains important information on communities applying hybrid rice organic methods and information on how to apply these methods. He concludes: "She wrote it with full knowledge that the farming technology was scientifically detailed and the ideas were originally designed with the use of organic materials."

The petitioner was afforded an opportunity to explain how this "how to" article can be considered "scholarly." The letter from [redacted] does not overcome our concern that the article is not "scholarly." It does not report on the petitioner's personal research or other type of original work. As stated above, the record lacks evidence that the petitioner personally developed the hybrid rice or organic methodology for farming it. The article does not report her original ideas on promoting hybrid rice methodology. The record lacks evidence that the article has attracted the attention of agriculture or marketing scholars such as citation or other recognition.

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

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

The petitioner initially submitted letters from colleagues praising her abilities. She also submits her appointment as a DAR Provincial Project Manager of the Agrarian Reform Infrastructure Support Project (ARISP) II in the Province of Misamis Oriental. As noted in our April 27, 2009 notice, in order to meet this criterion, the petitioner must demonstrate that the nature of her position is such that the

very selection for that role is indicative of or consistent with national or international acclaim. The petitioner was afforded an opportunity to submit such evidence, such as an organizational chart and evidence of the nationally distinguished reputation of her employer.

In response, the petitioner submitted two organizational charts. The first chart shows the organization of the DAR ARISP Project Management Structure. The structure shows a national interagency implementing team, a regional interagency implementing team and a provincial interagency implementing team. The petitioner, part of the provincial interagency implementing team, fell under the provincial Project Managing Office (PMO), which reported to the regional PMO, which reported to the central PMO, which reported to the Project Coordinating Council. This chart does not reflect that the petitioner, part of a provincial implementing team for an entity that also included regional and national implementing teams, served in a leading or critical role for ARISP.

The petitioner also submitted an organizational chart for one of the 78 DAR Provincial Offices (DARPO), which report to the DAR Regional Offices, which report to DAR's Office of the Assistant Secretary for Field Operations. Within her DARPO office, the petitioner reported to [redacted] who reported to [redacted] who reported to [redacted]. This chart also fails to demonstrate that the petitioner performed in a leading or critical role for DAR.

In light of the above, while the petitioner performed her job duties well and received recognition from her employer for her skill and diligence, it remains that the positions in which she worked are not indicative of or consistent with national or international acclaim. Rather, at best they are consistent with provincial acclaim. Thus, the petitioner has not established that she meets this criterion.

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

Neither counsel nor the petitioner has ever claimed that the petitioner meets this criterion. Nevertheless, we note that [redacted] Chief of the petitioner's division, asserts that she was given extra compensation for her work because her job title required "extra workload." We note that simply earning "overtime" remuneration cannot serve to meet this criterion. The petitioner did not provide evidence of her exact compensation or evidence as to how that compensation compares with those in the same occupation nationally. Without such evidence, the petitioner cannot demonstrate that she meets this criterion.

Comparable evidence pursuant to 8 C.F.R. § 204.5(h)(4).

The regulation at 8 C.F.R. § 204.5(h)(4) permits the submission of comparable evidence where the criteria at 8 C.F.R. § 204.5(h)(3) are not readily applicable to the petitioner's field. Initially, counsel asserted that the petitioner's curriculum vitae, academic credentials and training certificates serve as comparable evidence of eligibility. In our April 27, 2009, notice we requested an explanation as to how the requirements set forth at 8 C.F.R. § 204.5(h)(3) are not readily applicable to the petitioner's field

and how the evidence submitted under this provision are "comparable" to the objective criteria demonstrating national or international acclaim set forth at 8 C.F.R. § 204.5(h)(3).

Counsel's response does not address this issue. The petitioner has been afforded an opportunity to explain how the evidence submitted is comparable to the criteria set forth at 8 C.F.R. § 204.5(h)(3) and has declined to do so. We are not persuaded that education, training or a self-serving curriculum vitae can serve as comparable evidence of national or international acclaim. Thus, the petitioner has not submitted evidence that is comparable to any of the regulatory criteria set forth at 8 C.F.R. § 204.5(h)(3).

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the alien has achieved sustained national or international acclaim and is one of the small percentage who has risen to the very top of the field of endeavor.

Review of the record, however, does not establish that the petitioner has distinguished herself as a hybrid rice organic farming specialist to such an extent that she may be said to have achieved sustained national or international acclaim or to be within the small percentage at the very top of her field. The evidence indicates that the petitioner is capable of implementing and promoting agricultural methodology, but is not persuasive that the petitioner's achievements set her significantly above almost all others in her field. Therefore, the petitioner has not established eligibility pursuant to section 203(b)(1)(A) of the Act and the petition may not be approved.

Finally, although we raised concerns regarding the petitioner's address in our April 27, 2009, the petitioner's response to our concerns sufficiently resolves that issue and that issue need not be addressed further.

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

ORDER: The appeal is dismissed.