



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

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

MATTER OF S-R-V-

DATE: NOV. 14, 2019

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a dancer and choreographer, 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 Nebraska Service Center denied the petition, concluding that the Petitioner had satisfied only one of the ten initial evidentiary criteria, of which she must meet at least three.

On appeal, the Petitioner submits copies of previously submitted evidence and a brief, arguing that she meets four of the ten criteria.

Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

Section 203(b)(1)(A) 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 two options for satisfying this classification's initial evidence requirements. A petitioner can either demonstrate a one-time achievement (that is, a major, internationally recognized award), or provide 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 qualifying 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).

## II. ANALYSIS

### A. Initial Evidence

Although the Petitioner seeks employment in the field of dance, the record indicates recent employment both within and outside that field since she arrived in the United States in 2017. Her résumé indicates that, at the time of filing, she worked as a [redacted] movement analyst, a fitness instructor, and as a video inventory analyst for [redacted] (through a contractor). The Petitioner established an entity called [redacted] Movement as a California limited liability company, but the record does not provide much information about the nature of that company or show that [redacted] Movement has engaged in any business activity.

The Petitioner has not indicated or established that she has received a major, internationally recognized award; therefore, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). In denying the petition, the Director found that the Petitioner only fulfilled one of the initial evidentiary criteria, relating to a leading or critical role for organizations with a distinguished reputation.

On appeal, the Petitioner maintains that she meets three additional criteria. We have reviewed all of the evidence in the record, and conclude that it does not show that the Petitioner satisfies the requirements of at least three criteria.

First, we will discuss the one criterion that the Director found the Petitioner to have satisfied:

*Evidence that the individual has performed in a leading or critical role for organizations or establishments that have a distinguished reputation.* 8 C.F.R. § 204.5(h)(3)(viii)

As a co-founder and artistic director, the Petitioner has performed in a leading role for the [redacted] Foundation for the Arts. The next question is whether the Foundation has a distinguished reputation. The Director concluded that it did have such a reputation. We disagree, and withdraw this finding.

In order to meet this criterion, the Petitioner must submit evidence of the Foundation's reputation that distinguishes the Foundation from other arts organizations. Evidence from within the Foundation itself, such as its own promotional materials and statements from other Foundation officials, are not evidence of the Foundation's reputation outside of the Foundation.

The Petitioner asserted that the Foundation's annual dance festivals "have been well attended and covered in the press." The Petitioner did not provide any basis for comparing the attendance and press coverage of Foundation events to dance events staged by other organizations. The Petitioner also showed that the Foundation had received financial support from the government of [redacted] India, but the record does not show the requirements for that sponsorship or otherwise demonstrate that state government sponsorship is a mark of distinction.

The Director requested more evidence to establish that the Foundation has a distinguished reputation. In response, the Petitioner stated: "The [redacted] Foundation, although recently formed, is well recognized in the field. . . . [I]t has been able to attract leading dancers to perform and attend as special guests." The Petitioner pointed to previously submitted newspaper articles discussing performances at the Foundation's festivals, and submitted information about some prominent figures who have attended Foundation festivals.

Because the word "distinguished" is inherently a comparative term, information about the Foundation alone cannot suffice to meet the criterion. The Petitioner has provided some background information about the Foundation, but has not submitted enough objective documentation to permit a meaningful comparison with other such organizations. The Petitioner demonstrated that she has performed in a leading or critical role for the [redacted] Foundation, but did not establish that the Foundation has a distinguished reputation.

The Petitioner claims to have satisfied the three additional criteria discussed below.

*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 Petitioner submitted several reviews of her first solo performance in August 2007, and of a group performance in April 2009. The 2009 reviews were not about the Petitioner; she was one of several performers briefly mentioned.

Several more recent articles are reviews or previews of festivals organized by the [redacted] Foundation. Some of these articles briefly mentioned the Petitioner but did not feature her as a principal subject; others did not name the Petitioner at all. The articles are generally very brief. A significantly longer article from *The Hindu* reviewed "the fourth annual event from [redacted]" but named the Petitioner only once in a short passage identifying the three people who established the Foundation.

The Director advised the Petitioner that more information and evidence was necessary, either because the photocopied clippings did not include all the required identifying information; the publications were not shown to be major media; or the articles were not about the Petitioner. In response, the Petitioner resubmitted the materials and asserted that some of the articles were about the Beneficiary and included her photograph. These articles, however, were deficient for other reasons, such as lacking the author's name as required, or the Petitioner did not show that they appeared in major media.

The Petitioner submitted a statement from a newspaper editor, indicating that arts and entertainment stories in India are often uncredited. This information explains the frequent lack of author credits, but that was not the only deficiency in the submitted articles. The same statement referred to “newsdesk[s] for regional newspapers.”

The Petitioner stated that articles that mentioned the Petitioner only once were about her because her “performance was evaluated.” Other articles did not name the Petitioner at all, but the Petitioner asserted that they meet the criterion because they “discussed . . . the Foundation’s productions.” 8 C.F.R. § 204.5(h)(3)(iii) requires “[p]ublished material about the alien,” which requires more than simply showing the Petitioner’s name in print. Her involvement with the Foundation does not mean that articles mentioning the Foundation are about the Petitioner.

In the denial notice, the Director found that the Petitioner was “merely mentioned” in some materials, and that articles mentioning the Foundation, but not the Petitioner, are not about the Petitioner as the regulation requires. The Director also reiterated earlier findings that some articles lacked titles, dates, and/or author bylines, and that “the evidence does not indicate that the published material was published in professional or major trade publications or other major media.”

The publications all appear to originate from Andhra Pradesh and Telangana, states in the Southern Zone of India. Circulation figures for various newspapers do not establish the geographic range of that circulation. Also, the submitted articles are mostly in Telugu. The submitted circulation figures indicate that Telugu-language publications are concentrated in India’s Southern Zone. The Director stated:

We note that the papers with the top distributions are in Hindi or English. We cannot find evidence that the majority of the country also speaks Telugu, or if it is primarily a regional dialect. It is not reasonable to infer that papers which are not in a country’s primary language would be widely circulated outside of the region within which that language is spoken.

On appeal, the Petitioner essentially repeats prior assertions which do not overcome the Director’s findings. For instance, the Petitioner states that she “was the main focus of several articles – in fact she was named in the titles of some of the articles.” The Petitioner did not show that those articles, primarily from 2007, appeared in major media.

The Petitioner protests that, by citing the regional nature of the newspapers, the Director made “a clear attempt to impose novel substantive or evidentiary requirements beyond those set in regulation or law.” This objection does not serve to establish that coverage concentrated within two Indian states nevertheless constitutes major media.

The Petitioner notes that she has appeared in newspapers with higher circulation numbers than major U.S. publications such as the *New York Times* and *USA Today*. This information does not take into account that India has a much larger population than the United States, and the Petitioner did not show that the Indian newspapers in question circulate as widely as the named US publications. One Telugu publication, *Vaaritha*, identifies itself as “The National Telugu Daily,” but also claims “19 editions centres.” The

record likewise identifies multiple local editions of *Eenadu* and *Prajasakti*. The Petitioner did not establish that material about her in these publications appeared across these editions rather than being restricted to local editions that are not, themselves, major media.

Articles that are not about a petitioner do not fulfill this regulatory criterion. *See, e.g., Negro-Plumpe v. Okin*, 2:07-CV-820-ECR-RJJ at \*1, \*7 (D. Nev. Sept. 8, 2008) (upholding a finding that articles regarding a show are not about the actor).<sup>1</sup> The Petitioner asserts that her “performance is evaluated” in other articles. Brief mention of the Petitioner does not make a given article about her, even if that brief mention includes an opinion about her performance. For example, a review from 2009 mentioned the Petitioner once, stating that she “performed well and engaged the audience.” The review also named several other participants. Another review of the same performance named three dancers, stating that they “brought life to the characters.” The Petitioner quoted only the part of this sentence with her name, replacing the other two names with ellipses. Altogether, the review named 12 performers.

For these reasons, we find that the Petitioner did not show that she satisfies this criterion.

*Evidence of the individual’s participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought.* 8 C.F.R. § 204.5(h)(3)(iv)

The Petitioner submitted a letter from the artistic director of [redacted] a dance school, which thanked the Petitioner “for judging our school’s annual competition” and providing “detailed and insightful feedback.” In a request for evidence, the Director acknowledged this letter, but found that the Petitioner “provided no further detail about what [she] judged, the significance of the activity in the field, or that [she] judged others working in the same or allied field of specialization.” The Petitioner’s response did not resolve the issue.

The record provides minimal information about this judging activity, omitting such basic details as the criteria judged; the date of the competition; and the exact location of the school. (The Petitioner stated that the school is in [redacted] California; the letter from the school itself did not indicate the school’s location. The Petitioner later provided “contact information” that included a residential address in [redacted] [redacted] several miles northwest of [redacted]) We are left only with a vague and uncorroborated reference to judging a competition at a school. Absent the “extensive documentation” required by section 203(b)(1)(A)(i) of the Act, the Petitioner has not sufficiently established that she meets this regulatory criterion.

We note the Petitioner’s submission of other materials that also do not adequately demonstrate her participation as a judge. A letter inviting her to “act as a judge for . . . cultural dance events” at [redacted] 2015 at the Indian Institute of Technology [redacted] preceded the event and therefore cannot, by itself, confirm the Petitioner’s participation. Reviews of three dance performances, apparently unpublished and

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<sup>1</sup> The Petitioner contends that *Negro-Plumpe* “has not been reported in the Federal Supplement and, as such, cannot be used as a proper basis to support a legal decision.” While a district court’s “analysis does not have to be followed as a matter of law,” “the reasoning underlying a district judge’s decision must be given due consideration.” *Matter of K-S-*, 20 I&N Dec. 715, 719 (BIA 1993).

written for academic assignments, are not evidence of judging in the formal capacity implied by the terms “participation” and “panel.”

Therefore, we agree with the Director that the Petitioner has not satisfied 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)

In order to satisfy this criterion, petitioners must establish that not only have they made original contributions, but also that those contributions have been of major significance in the field. 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. The phrase “major significance” is not superfluous and, thus, it has some meaning. *See Silverman v. Eastrich Multiple Investor Fund, L.P.*, 51 F. 3d 28, 31 (3rd Cir. 1995) quoted in *APWU v. Potter*, 343 F.3d 619, 626 (2nd Cir. Sep 15, 2003).

The Director determined that the Petitioner had not satisfied this criterion. We agree with that determination.

The Petitioner claimed to have made original contributions of major significance in six related areas:

- Performance
- Choreography
- [ ] Movement Analysis
- Workshops
- Research
- Establishing the [ ] Foundation for the Arts

We will discuss each of these areas below, but first we acknowledge some more general evidence. Several dancers and choreographers asserted, in letters, that the Petitioner is an important figure who has made significant contributions, but they did not elaborate by explaining how her work is of major significance.

An executive board member of [ ] “a nonprofit organization established . . . to promote classical Indian music and dance” and based in [ ] California, listed the Petitioner’s volunteer activities with the organization such as organizing events, bringing in performers, choreographing shows, and assisting backstage. However important her efforts have been to [ ] the Petitioner did not establish that her contributions to one local arts organization are of major significance in the field.

U.S. Citizenship and Immigration Services (USCIS) may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron Int’l*, 19 I&N Dec. 791, 795 (Comm’r 1988). However, USCIS is ultimately responsible for making the final determination regarding an individual’s eligibility for the benefit sought. *Id.* The submission of reference letters supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters as to whether they support the individual’s eligibility. *See id.* at 795-96; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to “fact”).

Thus, the content of the references' statements and how they became aware of the Petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an individual in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of an artist who has made original contributions of major significance in the field. *Cf. Visinscaia v. Beers*, 4 F. Supp. 4 F. Supp. 3d 126 (D.D.C. 2013) (concluding that USCIS' decision to give little weight to uncorroborated assertions from professionals in the field was not arbitrary and capricious).

#### A. Performances

The Petitioner explained that [redacted] is one of the major classical dance forms of India," and she claimed to be "one of the foremost proponents of [redacted] dance," whose "personal performance has influenced and will continue to substantially influence the field above and beyond that of other dancers."

The founder of [redacted] a dance school in [redacted] stated that the Petitioner "has made a name for herself that is recognized internationally while playing the role of [redacted], the popular mythological character. There are very few experts who have the ability to understand the true spirit of this character and translate the beauty of the role to the audience." The artistic director of [redacted] School of [redacted] Dance stated: "The maturity [the Petitioner] has shown in [portraying] [redacted] and the small nuances she added to the well-known character with her own flair showcased her impressive skill . . . and elevated her performance to the next level." These assertions, and others, attested to the Petitioner's artistic skill but did not establish the major significance of her contributions.

The Petitioner documented various performances through promotional materials and other types of evidence. The burden is on the Petitioner to establish the major significance of these performances; it cannot suffice simply to show that they occurred. A given performance does not take on major significance merely because it was televised, government-sponsored, part of an important cultural festival, or otherwise received exposure that increased the size of the potential audience.

We note that the list of "Selected Performances" on the Petitioner's résumé showed 63 performances from 1997 to 2012, but only 8 performances from 2013 onward. This marked decrease in activity, coupled with her self-described employment as a video inventory analyst, calls into question the extent of time she continues to devote to dance and choreography.

#### B. Choreography

The introductory letter submitted with the petition listed six examples of the Petitioner's "choreography work," and referred to "EXHIBIT E for documentation of her choreography." Exhibit E consists of one document, an apparently unpublished printout which named the performance but did not specify a date or a venue. The document described the dance event, including a plot synopsis and lyrics for the songs performed. The Petitioner was the credited choreographer for the production. This document does not show how the Petitioner's choreography was a contribution of major significance in the field. Public performance of a choreographed work does not establish the major significance of that work; otherwise every dance performance would involve contributions of major significance. The Petitioner has not

shown broader impact, for example through evidence that her choreography has been widely used in productions with which she had no personal involvement.

The Petitioner submitted letters from various individuals who praised her abilities as a choreographer, mostly in very general terms. The artistic director of [redacted] Dance singled out one of the Petitioner's works performed in [redacted] as "[p]articularly noteworthy," but did not elaborate.

#### C. [redacted] Movement Analysis

The Petitioner stated that her certification as a Movement Analyst has informed her work as a choreographer. The Petitioner claimed to be "one of few Indian artists . . . to complete the [redacted] course of study and likely the first artist representing the Indian classical art form of [redacted]." The Petitioner did not establish the major significance of combining [redacted] with [redacted] Movement Analysis.

Referring to this certification, the artistic director of [redacted] Dance stated that the Petitioner's "unique expertise . . . has helped her achieve great form and also discover new ways to physicalize the characters in her performances." This explains how the certification has influenced the Petitioner's own work, but this does not necessarily translate into major significance in the field.

#### D. Workshops

The Petitioner "has conducted numerous workshops to introduce [redacted] movement to many artists and fitness instructors and has promoted [redacted] through her dance workshops." The Petitioner documented three such workshops that took place in 2016 and 2017, but she did not establish that these events were more significant than other educational activities within the discipline. Furthermore, both [redacted] and [redacted] Movement Analysis existed before the Petitioner's involvement; the burden is on the Petitioner to show how incorporating an existing technique into a traditional dance style constitutes an original contribution on her part.

#### E. Research

The Petitioner stated that she "has conducted several research studies that have furthered the fundamental knowledge of the field," on subjects such as "the notation of basic foot movements in [redacted]" She also "conducted research for . . . a documentary on the legendary [redacted] performer, [redacted]" Promotional materials show that the Petitioner was one of four "research associates" for the documentary. Media coverage of the documentary did not discuss the Petitioner or her role in its creation. The record does not show exactly what the Petitioner contributed to the film, or that the contribution was of major significance.

The Petitioner submitted a copy of a "thesis submitted . . . in partial fulfillment [of the requirements] for [becoming a] Certified Movement Analyst." Completion of core certification requirements is not inherently a contribution of major significance, and the Petitioner did not provide objective evidence of the major significance of her thesis.



A certified [redacted] movement analyst and founder of [redacted] a dance company in New York, stated that the Petitioner's "analysis helps expand the outreach of [redacted] by [helping] western performers understand the essence of [redacted] choreographies through the common language of [redacted]" The Petitioner did not show that the thesis has actually had that effect. She also did not show that the thesis has been published or otherwise widely disseminated, which would appear to significantly limit the extent to which the paper could influence others in the field.

Another apparently unpublished research paper is an "ethnographic study" of a Hindu temple. The table of contents listed four substantive sections: "Mythology, History and the Temple"; "Rituals": "Culture, Music and Dance"; and "Temple Culture in India." The paper touches on the subject of dance, but that is not the paper's focus. The Petitioner has not shown that the paper is a contribution to the field of [redacted] major or otherwise.

F. [redacted] Foundation

Initially, the Petitioner cited a letter from the founder and secretary of [redacted] a dance school in [redacted]. That individual stated that the Beneficiary "continues to have a considerable impact on Indian dance forms through her non-profit organization, [redacted] Foundation of Arts, which has promoted performances of Indian classical dance forms by upcoming and established artists to [redacted] public." This general praise of the Foundation does not establish the major significance of the Petitioner's contribution.

Subsequently, the Petitioner has claimed that simply being "one of three co-Founders of the [redacted] Foundation" is, itself, "[o]bjective documentary evidence that her work is original and of major significance." We have discussed, above, the contention that the Foundation has a distinguished reputation; the Petitioner relies on similar evidence in an effort to demonstrate that her work with the Foundation has had major significance.

After reviewing the Petitioner's claims regarding the above areas, the Director found that the Petitioner had established her "dedication to [redacted] performing," but had not shown that "her original work has major implications or significance in the wider field of dance." The Director also found her contributions to be primarily local.

In response, the Petitioner asserted that "leading experts . . . from the world of dance" have attested to the significance of her work, but the record lacks objective evidence to show that the writers are "leading experts" as claimed. Also, the Petitioner's selected quotations from the letters do not support the assertion that the writers "have all stated, in careful detail, how her contributions are original and are of major significance to the field." Some of the letters referred to particular performances, but did not identify any specific contributions. Instead, the letters contained general assertions such as "she has been enhancing the art form through her vast repertoire" and "her efforts have provided a novel and unique freshness, thus endearing it to modern audiences worldwide."

The Petitioner stated that her "performances serve as documentary evidence that her original contributions are of major significance and demonstrate her international recognition and acclaim as an expert at the top of her field." No performance, however, is evidence of its own significance. The same is true of the

Petitioner's choreography for other dancers. It may be true that the Petitioner is the first person to incorporate [redacted] Movement Analysis into [redacted] choreography, but it is the Petitioner's burden to establish that this combination is of major significance to the field.

The record followed a similar pattern relating to the Petitioner's other areas of achievement; the Petitioner described her accomplishments in various areas, but did not submit sufficient objective evidentiary support for her assessment of their significance. For example, the Petitioner showed that students considered her workshops to be "useful" and "very informative," but this does not establish their major significance. The Petitioner's research may be available from a university library, as asserted, but availability does not equate to significance, nor does it show that others in the field have actually used that research.

The Petitioner submitted three new letters intended to provide more details about her contributions. The founder of the [redacted] School of Arts, [redacted] stated that the [redacted] Foundation "has a great reputation among artists and art lovers in [redacted]" and that the Petitioner has contributed "to [redacted] and art community in [redacted]". This language, on its face, attested to the local impact of the Petitioner's work.

The other two writers now reside in different countries, but the record shows their careers began in [redacted] [redacted]. The Director of [redacted] Dance Academy in [redacted] stated that some of the Petitioner's works stand out because they focus on the antagonists, rather than the protagonists, of the storyline. The same writer asserted that the Petitioner's work "ha[s] been well appreciated by [redacted] artists across the world" and that "even senior artists . . . are now choreographing solo performances around antagonists," but provided no evidence to support these assertions.

The founder of [redacted] Australia, stated "the traditionalist veterans in [redacted] . . . seem to appreciate and welcome [the] new wave of artists due to [the Petitioner's] extraordinary ability and brilliant performances." The record does not document this assertion.

The Petitioner submitted translated transcripts of videos that she posted to YouTube in [redacted] 2018. The videos show remarks from the stage immediately following various dance performances. The remarks are complimentary toward the Petitioner, but do not show a wider impact on the field.

In denying the petition, the Director found that "[m]any of the petitioner's activities appear to have been local rather than [having] field-wide reach"; that the Petitioner did not show how her work specifically advanced the "established art form" of [redacted]; and that the support letters tended to be vague, crediting the Petitioner with unspecified contributions to her field.

On appeal, the Petitioner asserts that the Director disregarded "ten letters from independent experts" without sufficient explanation. The Petitioner also maintains that she submitted the letters "not to provide evidence that [her] contributions are of major significance but to confirm that her contributions have contributed significantly to the field." The Petitioner states that the letters comprise "one facet in combination with her performances, choreographies," and other related activities.

The submitted evidence shows that the Petitioner made the contributions claimed, but does not objectively corroborate their claimed significance. For instance, the Petitioner states on appeal: “She has experimented with and integrated innovative concepts into her choreographies, which makes her work original and of major significance.” The wording of the regulation distinguishes between originality and major significance; no contribution is of major significance simply because it is original. Words such as “experimental” and “innovative” serve, here, essentially as surrogates for the word “original.” A contribution does not automatically take on major significance simply because it is different than what came before. Also, praise does not establish significance, even if the submitted letters describe what they praise and why they praise it.

The Petitioner has not shown that other [redacted] dancers and choreographers have widely adopted or adapted her work, or that her contributions are widely discussed in contexts outside the petition. The Petitioner asserts that “her ability to implement [redacted] Movement Analysis into her choreographies and performances . . . is revolutionizing the field,” but such a revolution would be evident without newly solicited letters. Assuming the Petitioner is, as claimed, the first [redacted] dancer to achieve [redacted] certification, earning that certification is not an original contribution, and being a certified movement analyst who also knows [redacted] has no intrinsic significance. The Petitioner has not shown how this combination of skills has had a major impact on [redacted] dance. Likewise, the Petitioner has shown that she performed research and that she offers workshops, but the record does not show that these activities have stood out in any discernible way within her field.

The Petitioner’s most readily identifiable achievement is her co-founding of the [redacted] Foundation, but even here the Foundation’s significance appears to be predominantly local, concentrated in [redacted] (The Petitioner asserts, on appeal, that “[t]he Foundation . . . has introduced great artists to the city of [redacted] and has furthered the city’s culture and arts.”) The Petitioner has not shown this local impact to be of major significance in the *field*, which is not limited to [redacted]

For the above reasons, the Petitioner has not established the major significance of her original contributions.

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. For the foregoing reasons, the Petitioner has not shown that she qualifies for classification as an individual of extraordinary ability.

### III. CONCLUSION

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 and recognition of her dancing and choreography are indicative of

the required sustained national or international acclaim or that they are 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 she 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).

The appeal will be dismissed for the above stated reasons. In visa petition proceedings, it is the petitioner’s burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has not met that burden.

**ORDER:** The appeal is dismissed.

Cite as *Matter of S-R-V-*, ID# 5131715 (AAO Nov. 14, 2019)