



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

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

In Re: 7119142

Date: APR. 23, 2020

Appeal of Texas Service Center Decision

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

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

The Director of the Texas Service Center denied the petition, concluding that the Petitioner established that he met only two of the ten initial evidentiary criteria for this classification, of which he must meet at least three.

On appeal, the Petitioner claims that he meets up to three additional evidentiary criteria and is otherwise eligible for the benefit sought.

The petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). The Administrative Appeals Office (AAO) reviews the questions in this matter *de novo*. *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we agree with the Director's determination that the Petitioner did not meet three criteria. Accordingly, we will dismiss the appeal.

I. LAW

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

- (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
- (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

- (iii) the alien's entry into the United States will substantially benefit prospectively the United States.

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

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010).

II. ANALYSIS

The Petitioner is currently employed as a lead analyst with [redacted] where he has worked since 2011. He received his bachelor's degree in civil engineering at University of [redacted] and completed his graduate studies at [redacted], where he received a master's degree in environmental engineering in 2002 and a Doctor of Philosophy in engineering and applied science in 2010. Previously, he served as a research associate at [redacted] Training and Research Center and as a doctoral research fellow for the [redacted] at [redacted]. The Petitioner indicates that he intends to establish a limited liability company and provide services in the area of environmental engineering and consulting.

A. Evidentiary Criteria

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

The Petitioner claims that he meets five of the ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).¹ The Director found that the Petitioner met two of the evidentiary criteria relating to participation as a judge of the work of others in his field, and authorship of scholarly articles. *See* 8 C.F.R. § 204.5(h)(3)(iv) and (vi). The Petitioner has met the judging criterion by providing evidence that he has peer reviewed manuscripts for several professional publications, including *Journal of Arid Environments*, *Asian Journal of Geoinformatics*, and *Journal of Agricultural Science and Technology*. In addition, the record reflects that the Petitioner has authored scholarly articles published by scientific

¹ The Petitioner initially claimed that he met a sixth criterion, relating to published materials (8 C.F.R. § 204.5(h)(3)(iii)), but has not pursued this claim on appeal. Therefore, we deem this issue to be waived and will not discuss this criterion. *See, e.g., Matter of M-A-S-*, 24 I&N Dec. 762, 767 n.2 (BIA 2009).

journals including *Journal of Arid Environments*, *Canadian Journal of Remote Sensing*, *GIScience & Remote Sensing*, and *Rangeland Ecology and Management*.

On appeal, the Petitioner asserts that he also meets the evidentiary criteria relating to nationally or internationally recognized awards or prizes, membership in associations that require outstanding achievements of their members, and original contributions of major significance, as discussed below. After reviewing all the evidence in the record, we find that the Petitioner has not met a third criterion.

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

The Petitioner claims to meet this criterion based on his receipt of a Doctoral Research Fellowship from the [redacted]. In order to fulfill this criterion, the Petitioner must demonstrate that his prizes or awards are nationally or internationally recognized for excellence in the field of endeavor.² Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, and the number of awardees or prize recipients as well as any limitations on competitors.³

The Petitioner provided a copy of the award notification e-mail he received from [redacted] University, advising him that he was “awarded an [redacted] Subsurface Science Graduate Fellowship to support study leading to the Ph.D. in Engineering and Applied Science.” The fellowship provided the Petitioner with an annual stipend of \$25,000 and a waiver of the university’s tuition and fees for a two-year period. The fellowship was offered with the understanding that the Petitioner’s dissertation research would be in the general area of subsurface science.

The Petitioner’s initial cover letter also provided background information on the [redacted] noting that it is a coalition of eight universities working in cooperation with the [redacted]. The Petitioner described the [redacted] fellowship as a “highly prestigious and competitive award” and stated that “[t]he candidates were judged on prior productivity and the novelty and potential of the proposed project. Only top 3% of the researchers from the eight universities received the award.” However, the Petitioner did not submit any supporting evidence from the [redacted] regarding the fellowship, the basis for granting the award, the number of recipients, and any limitations placed on potential recipients.

In a request for evidence (RFE), the Director advised the Petitioner of additional documentary evidence he could submit to establish that his [redacted] fellowship satisfies this criterion, while noting that generally, honors such as fellowships are given to students or early career professionals in the field and may not qualify as prizes or awards for excellence. In response to the RFE, the Petitioner submitted: a document providing background information regarding the [redacted] a February 2001 [redacted]

² See USCIS Policy Memorandum PM 602-0005.1, *Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator’s Field Manual (AFM) Chapter 22.2, AFM Update AD11-14 6* (Dec. 22, 2010), <https://www.uscis.gov/policymanual/HTML/PolicyManual.html>.

³ *Id.*

News Release published on the website of [redacted] announcing the hiring of a new [redacted] director; and a 2002 article titled [redacted] published by *Proceedings of the 2002 American Society for Engineering Education Annual Conference and Exposition*, which describes the partnership between the [redacted] the [redacted], and [redacted]. Of these documents, only the [redacted] background document mentions the doctoral fellowship program, stating that the [redacted] “allocated \$1.4 million to highly qualified Ph.D. students for multiple-year stipends (\$25,000 each year, equivalent to an NSF doctoral fellowship, plus \$10,000 for tuition/fees and laboratory support), beginning fall 2002.”

In a letter accompanying the RFE response, former counsel stated that there was “no precise information available about the number of applicants” for the [redacted] fellowship, but noted that, in addition to the graduate student applicants from the eight member universities of the [redacted] “it is estimated that approximately 2,000 researchers from [redacted] and [redacted] were competing for the award.” Counsel further stated that “the [redacted] fellowship is similar to NSF Fellowship which means [redacted] funds the person, not the project. The [Petitioner] was competing for this award among the researchers . . . that included [redacted] and [redacted] scientists and not just the students.”

However, as noted, the RFE response lacked supporting documentation to corroborate counsel’s claim that the [redacted] fellowship was not limited to graduate students. Assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988) (citing *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980)). Counsel’s statements must be substantiated in the record with independent evidence, which may include affidavits and declarations. The limited documentation submitted regarding the fellowship program, from the [redacted]’s own publication, indicates that the [redacted] fellowship was established for Ph.D. students.

On appeal, the Petitioner reiterates that he competed against [redacted] and [redacted] scientists for his fellowship award and not just other graduate students from the eight [redacted] consortium universities. He indicates that he is submitting evidence of the application process for the [redacted] fellowship program, but this evidence is not included with the appeal exhibits. He also states that he is submitting “an opinion of the [redacted] program” from [redacted] of [redacted] University, who, according to the Petitioner, indicates that “the [redacted] fellowship is equivalent to National Science Foundation fellowships.” The submitted “opinion” from [redacted] is a news release published on the [redacted] University website, noting that two Ph.D. students from that university received an [redacted] fellowship in 2016. While he states that the fellowships are “equivalent to National Science Foundation fellowships,” that statement appears to refer to the amount of the stipend (\$25,000 annually).

The Petitioner has not submitted independent evidence from the [redacted] regarding the number of applicants, the scope of the field of eligible applicants, the criteria used for selection, and the number of fellowships granted annually. The limited evidence in the record reflects that the program accepts applications from graduate students enrolled at the eight universities that form the [redacted] but does not substantiate the Petitioner’s claims that eligibility extends to professional research scientists working for the [redacted]’s partners [redacted] and [redacted].

Although the fellowship may be recognized at [redacted] by the other members of the [redacted] and by [redacted]’s partner organizations, the Petitioner did not demonstrate that the fellowship, which consists

of a stipend to conduct graduate research, qualifies as a prize or award for excellence in the field. The Petitioner did not show the field's national or international recognition of this fellowship. As noted by the Director, such honors are generally given to students or early career professionals and inherently exclude established experts and professionals from consideration. Moreover, academic awards and honors received while preparing for a vocation generally do not constitute nationally or internationally recognized prizes or awards for excellence in the field of endeavor. Accordingly, we agree with the Director's determination that the Petitioner did not establish that he meets this criterion.

Documentation of the individual's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.

8 C.F.R. § 204.5(h)(3)(ii)

The Petitioner claims that he meets this criterion based on his membership in Sigma Xi, a scientific research society with 60,000 members worldwide. In order to satisfy this criterion, the Petitioner must show that membership in the association is based on being judged by recognized national or international experts as having outstanding achievements in the field for which classification is sought.⁴

The Petitioner submitted a letter from Sigma Xi confirming that he was duly elected as a "full member" in 2016, as well as a copy of Sigma Xi's constitution and bylaws. The letter explains that membership in Sigma Xi is by nomination only and that "[f]ull membership is conferred upon those who have demonstrated noteworthy achievements in research." The Sigma Xi bylaws define "noteworthy achievement" as follows:

Noteworthy achievement in research specified for election or promotion to full membership . . . must be evidenced by publications, patents, written reports or a thesis or dissertation. Membership in the Society is neither linked to the possession of any degree nor contingent upon belonging to some other organization.

The accompanying letter further clarifies that "Sigma Xi interprets 'noteworthy achievement' to include primary authorship of two papers ('Paper' includes refereed journal articles, patents, or internal reports. An earned doctoral degree may be substituted for one paper)." In addition, the letter indicates that "[t]he Society also considers career preparation, career path, quality of research and similar factors."

The Director determined that the association bylaws do not reflect that Sigma Xi requires outstanding achievements as a requirement for membership, or that it relies on recognized national or internationally experts to determine which individuals qualify for membership.

On appeal, the Petitioner asserts that the Director's decision demonstrates a lack of understanding of the membership process. He explains that he self-nominated through the "Committee on

⁴ See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 6 (providing an example of admission to membership in the National Academy of Sciences as a Foreign Associate that requires individuals to be nominated by an academy member, and membership is ultimately granted based upon recognition of the individual's distinguished achievements in original research).

Qualifications on Membership,” which consists of “members who have shown outstanding achievements themselves.” The Petitioner maintains that he “was selected based on [his] outstanding achievement” stating that “[e]ven though bylaws demand noteworthy achievements of members, as an original investigator in a field of pure or applied science, they also warrant outstanding achievements for the full membership.” Finally, he refers to his membership letter signed by Sigma Xi leadership, emphasizing that it states: “We are proud that your outstanding achievements have earned you a place within our international community of scientists and engineers.”

Reviewed in its totality, the evidence does not demonstrate that membership in Sigma Xi requires outstanding achievements as judged by recognized national or international experts in the Petitioner’s field or discipline. First, the Petitioner has not shown that Sigma Xi’s requirement that prospective members provide evidence of “noteworthy achievement in research” is tantamount to imposing an “outstanding achievement” requirement for membership. While the letter from Sigma Xi indicates that the association “considers career preparation, career path, quality of research and similar factors” in the membership process, this statement is not adequately supported by objective evidence of how these factors are considered or weighed. The record does not establish the process by which prospective members are evaluated, nor does it demonstrate that Sigma Xi imposes additional qualitative criteria that amount to an “outstanding achievement” requirement.

Sigma Xi’s constitution states that procedures related to the nomination, election and promotion of members are set forth in its bylaws; however, the bylaws, at section 3, only state that “[t]he Committee designated by the Board will have responsibility to set policy regarding nomination, election, and initiation procedures” and that “[c]hanges in policy will be communicated to chapters for a comment period.” Neither the constitution nor the bylaws state what the nomination and election policies are or who is responsible for electing or promoting members. While the Petitioner refers to his self-nomination through a Committee on Qualifications on Membership and states that these committee members “have shown outstanding achievements themselves,” the supporting evidence does not describe this self-nomination process, the existence of this committee, or criteria for selection to the committee. For these reasons, we agree with the Director’s determination that the Petitioner did not establish that his membership in Sigma Xi satisfies this criterion.

On appeal, the Petitioner also emphasizes that he previously provided evidence that he was invited to serve as an “Editorial Member” of Bioinfo Publications and as a permanent reviewer of *Journal of Spatial Hydrology*. The Petitioner’s invitation from Bioinfo Publications states that the company “is interested to associate with well qualified people to increase the reach in the scientific research committee.” The Petitioner does not provide any additional evidence regarding the selection process for membership on the company’s editorial board. Nor did he provide evidence that Bioinfo Publications, a publishing company, or the *Journal of Spatial Hydrology*, a professional publication, are “associations” in his field that requires outstanding achievements of its members as judged by recognized national or international experts. The Petitioner’s activities as a peer reviewer and editorial board member have been considered under the judging criterion at 8 C.F.R. § 204.5(h)(3)(iv) but they do not satisfy the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(ii).

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 the regulation at 8 C.F.R. § 204.5(h)(3)(v), a petitioner must establish that not only has he made original contributions, but that they have been of major significance in the field. 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. Here, the Petitioner indicates that he has made multiple original contributions of major significance in the field of environmental science and engineering, specifically with respect to his research related to geographic information systems (GIS) and groundwater contamination.

The first of these contributions is the Petitioner's publication of a comprehensive model of groundwater [redacted] concentrations in [redacted]. The Petitioner provided a letter from [redacted] professor [redacted] who states that the Petitioner's was the first comprehensive study to evaluate [redacted], its transport into groundwater, and its potential [redacted] in that region. He explains that the Petitioner, through his research, "developed a new methodology for studying [redacted] on rocks and sediments using [redacted] water and liquid scintillation (LSC) method." [redacted] concludes that the Petitioner's research "provided insights into an issue that has many people concerned" and "made a significant impact in the research community." However, he does not elaborate as to how the Petitioner's study impacted the wider research community or why that impact is regarded as majorly significant.

The Petitioner also provided letters from individuals in the health care field who comment on his groundwater [redacted] research project. [redacted] a services coordinator at [redacted] [redacted], states that the Petitioner's "techniques and models can be applied to similar geologic settings all over the U.S. to determine [redacted] and consequentially [redacted] potential of the region." [redacted] [redacted], an assistant professor [redacted] at University of [redacted] Medical Center, states that the Petitioner's research "significantly impacted the field because of his groundbreaking innovation of a low-cost system to study adsorption of [redacted] onto different substances" noting that his findings are "absolutely critical to protecting public health and furthering the national interest generally." [redacted] also states that the groundwater [redacted] maps the Petitioner created "constitute a distinguished achievement of enduring impact on the field" because they "substantially deepen our understanding of the spatial distribution of [redacted] from a specific geologic setting perspective." He concludes that the Petitioner's "work on [redacted] greatly furthers [redacted] research, especially with regard to using information systems."

Finally, [redacted] of [redacted] states that he intended to use the Petitioner's "pioneering work to produce correlation maps for [redacted] and the local geology for some parts of the United States." [redacted] states that the Petitioner's approach "is expected to assist health professionals like me to identify and treat health issues caused by natural hydrogeologic conditions."

The testimonial evidence confirms the originality of the techniques used by the Petitioner to accurately map and measure naturally occurring [redacted] groundwater [redacted] and explains the public health concerns of such [redacted]. However, the letters do not explain how the Petitioner's research techniques have been widely implemented throughout the field or how his research has remarkably impacted or influenced the field, such that we can determine that he is recognized for making a contribution of major significance. The submitted letters, for example, do not indicate that

the Petitioner's study has been extensively cited or discussed in the scientific community⁵ or that his techniques have been widely implemented. The letters suggest that the Petitioner's techniques could prove useful in measuring groundwater [redacted] in other geographic areas and under other geologic conditions, but they do not indicate that others have used his findings to perform such studies or have relied on his findings to benefit public health.

The Petitioner also claims that he has "produced pioneering work in the subfield of GIS and remote sensing research" during his time as a research associate at [redacted]'s GIS Training and Research Center, where he worked on several studies funded by NASA grants. [redacted] of [redacted] states that the Petitioner "developed an innovative [redacted] health model by utilizing [redacted] techniques" which he states are "proven to be benchmark not only in the field of GIS and remote sensing but in various other branches of engineering." [redacted] describes the Petitioner's original technique as "invaluable" for researchers and land managers as it is "the only technique in all of the research literature capable of detecting [redacted] with great accuracy, thereby assisting in [redacted] eradication." He also explains that the Petitioner was "the first researcher to demonstrate the bare ground model's ability to depict overall [redacted] health index," noting that he was asked to present his original paper [redacted] at the [redacted] International Conference." While he discusses the novelty and value of the Petitioner's models and techniques and indicates that there has been interest in the research, [redacted] has not explained how these techniques have been regarded in the field as particularly impactful or influential, such that they are deemed to be of major significance.

[redacted] a professor at the [redacted] in China, states that he cited the Petitioner's 2006 co-authored report, "[redacted]" in his own study of detection thresholds for [redacted] in [redacted]. He further indicates that the Petitioner's research has been "successfully applied into developing [redacted] health models for [redacted] systems in USA and similar areas of the world such as China" and states that it has helped "not only researchers . . . but also helped land managers, farmers and ranchers effectively manage their land for detection and eradication of [redacted] as well as for improving quality of the [redacted]" Although [redacted] generally discusses real world applications of the Petitioner's research, the record as a whole, as discussed further below, does not support his claim that the Petitioner's research has had a worldwide impact on [redacted] health or that it is relied on by land managers and others to the extent that the Petitioner has been recognized for original contributions of major significance.

The Petitioner also provided a letter from [redacted] an associate professor at the University of [redacted] who discusses two of the NASA report publications co-authored by the Petitioner. [redacted] states that the publication "[redacted]" was valuable because it identified the "vegetation indices to be used for mapping the [redacted] as well as the bare ground present in the

⁵ We note that the Petitioner's 2010 article "[redacted]" had been cited five times when the petition was filed in 2018, according to the Google Scholar citation history provided.

study area.” He further explains that the Petitioner’s original work has been used for the development of the “comprehensive automated geospatial model for [redacted] in the state of [redacted] and [redacted]” and indicates that the Petitioner’s approach for data collection has informed his own model development research. Finally, [redacted] of the University of [redacted] who indicates that he collaborated with the Petitioner on a 2009 study and states that he has been personally influenced by the Petitioner’s “innovative ideas regarding identification of bare ground and consequentially desertification [redacted].” [redacted] states that the Petitioner’s contributions are “of critical importance to the future of our perceptions about [redacted] research.”

The submitted letters praise the Petitioner for his technical abilities and explain the originality of the techniques he used in the field of GIS and remote sensing, particularly as applied to [redacted] and bare ground topologies. However, they do not contain information that demonstrates how the Petitioner’s findings have been recognized as majorly significant in the field. While some of the letters mention that the Petitioner’s work has resulted in real world applications, the record does not contain sufficient evidence of this impact to support a finding that the Petitioner’s work is regarded as remarkably impactful. Letters that specifically articulate how a petitioner’s contributions are of major significance to the field and its impact on subsequent work add value.⁶ On the other hand, letters that lack specifics do not add value, and are not considered to be probative evidence that may form the basis for meeting this criterion.⁷

These letters, as well as other evidence in the record, show that the Petitioner’s original work has added value to the pool of knowledge in his field and provided novel techniques for combining existing methods to improve the accuracy of mapping and measurements for remote sensing applications. The evidence, however, is insufficient to confirm that the level of attention received by his research reflects widespread commentary and acceptance of his work, or that the field of environmental science or any of its sub-fields have regarded his research as authoritative and highly influential.

In addition, the Petitioner has provided his curriculum vitae with a list of his publications and a citation index from Google Scholar documenting how often his publications have been cited. Publications are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of “major significance.” We acknowledge, however, that a petitioner may present evidence that his articles “have provoked widespread commentary or received notice from others working in the field, or entries (particularly a goodly number) in a citation index which cite [his] work as authoritative in the field, may be probative of the significance of [his] contributions to the field of endeavor.”⁸

According to the Petitioner’s curriculum vitae, he published eight peer-reviewed journal articles between 2009 and 2013, and co-authored 13 “NASA reports” identified as “report articles prepared under NASA grants” between 2006 and 2011. Not all of these journal publications and published reports appear on his Google Scholar citation index. At the time of filing in 2018, the Petitioner’s most-cited article had 31 citations, one had 15, another had 10, and the remaining 6 articles or reports with citations had between 3 and 8 citations each.

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

⁷ *Id.* at 9.

⁸ *Id.*

An appropriate analysis of the Petitioner's citation index would be to compare his citations for individual articles to other articles that the field views as highly cited and having been of major significance, as well as factoring in other corroborating evidence. The Petitioner has not provided comparative data showing that any one of his publications would be considered highly cited in his field. The citation numbers provided, without this comparative information for context, do not reflect that his research has been extensively discussed by other scientists and researchers. Although his citations show that the Petitioner's research has received some attention from the field, the Petitioner did not establish that the number of citations to his individual papers demonstrate their "major significance."

Moreover, the Petitioner contends that he has worked on projects that were funded by NASA research grants. However, receiving funding to conduct research is not a contribution of major significance in-and-of-itself. Rather, the Petitioner must establish that receiving grants or similar funding are reflective of his past works' major significance, or the research he conducted with the funding resulted in contributions of major significance in the field. Here, the evidence shows that the Petitioner co-authored 13 reports for NASA. However, according to the Petitioner's Google Scholar citation index, only two of these reports received any citations, and the Petitioner did not demonstrate that his findings described in these or other reports resulted in significant contribution of major significance. In addition, he did not show how the NASA funding reflected the importance of his past contributions to the overall field or that his involvement as a research associate on the funded projects came as a result of such contributions. Finally, we note that the record does not indicate or document whether the Petitioner himself played a key role in obtaining NASA grant funding while at [redacted]

Further, the Petitioner argues that his research has received media coverage. The record contains evidence that *Integration*, [redacted] reported on the "completion and validation of a [redacted] health model for parts of [redacted]" The article credits the Petitioner with building the model and states that it "makes an important stride toward providing [redacted] managers with geo-spatial decision support tools." The Petitioner further provided evidence that [redacted]'s marketing and communications department published an article highlighting the Petitioner's co-authored paper in which he concluded that [redacted] [redacted]" The article acknowledges the Petitioner as the study's co-author, but contains quotes from [redacted] the study's other author and the director of the university's GIS Training and Research Center. The article indicates that "[redacted] study has shown that [redacted] can increase soil moisture, leading to more grass and increased biomass," which can, in turn, have a meaningful impact on water conservation in the [redacted] of rural [redacted] The Petitioner did not show that media coverage by his own university is indicative of his original contributions of major significance in the field. For example, he did not demonstrate that his research and findings generated interest from publications outside of his institution.

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown that he has made original contributions of major significance in the field.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we

have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the “extraordinary ability” standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm’r 1994). Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is consistent with a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and he is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

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

ORDER: The appeal is dismissed.