



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 12091424

Date: NOV. 30, 2020

Appeal of Nebraska Service Center Decision

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

The Petitioner, a cardiovascular researcher, 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 record did not establish that the Petitioner satisfies the initial evidence requirements for this classification by submitting evidence of a one-time achievement (a major, internationally recognized award) or by demonstrating that she meets at least three of the ten alternate evidentiary criteria. The matter is now before us on appeal.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. See Section 291 of the Act, 8 U.S.C. § 1361. Upon de novo review, the Petitioner has not met that burden. Accordingly, 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 a multi-part analysis. First, a petitioner can demonstrate international 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 criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. See *Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); see also *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner is a medical doctor and research scientist who performs research in the areas of pulmonary hypertension, cardiovascular science, and mechanical circulatory assist devices. She has been employed as an associate professor at the University [redacted] Health Science Center [redacted] in the Division of Cardiac Surgery since January 2019. Previously, the Petitioner was employed as a research associate at [redacted] Healthcare in the division of cardiothoracic surgery, and as a graduate research associate at [redacted] University.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner claims to have met four criteria, summarized below:

- ∑ (iv), Participation as a judge of the work of others;
- ∑ (v), Original contributions of major significance;
- ∑ (vi), Authorship of scholarly articles; and
- ∑ (viii), Leading or critical role for distinguished organizations or establishments.

The Director found that the Petitioner met two criteria, pertaining to judging and scholarly articles. The record supports this conclusion, as it reflects that the Petitioner has peer-reviewed manuscripts for professional publications and conferences and has authored scholarly articles published in professional journals including *Hypertension*, *The Journal of Heart and Lung Transplantation*, and *Journal of Cardiology*.

On appeal, the Petitioner submits additional evidence and maintains that she also meets the other two claimed criteria. For the reasons discussed below, we conclude that the Petitioner has not established

that she meets a third criterion at 8 C.F.R. 204.5(h)(3)(i)-(x) and has not satisfied the initial evidence requirements for this classification.

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. Major significance in the field may be shown, for example, through evidence that her research findings or original methods or processes have been widely accepted and implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance in the field.¹

The Petitioner has submitted evidence of her publications in journals, citation history, participation in international conferences and symposia, and several reference letters from experts familiar with her work. At the time of filing, she indicated that she made an original contribution in the field of pulmonary hypertension as the first researcher to identify the involvement of [redacted] [redacted] in the molecular pathogenesis of pulmonary hypertension [redacted] [redacted]. She further indicated that, in a related study, she discovered "the first known [redacted] agent that limits the progression of pulmonary hypertension – [redacted]". Finally, she indicated that her "contributions to the field of clinical research related to mechanical circulatory assist devices are, in the aggregate, original scientific contributions of major significance."

The reference letters submitted in support of the petition confirm the originality of the Petitioner's research related to [redacted] and pulmonary hypertension but are lacking detail explaining how her discoveries have already been widely accepted and implemented in the field to the extent that they have been regarded as contributions of major significance. For example, [redacted] Senior Vice President for Research at [redacted] Healthcare, states that the Petitioner's novel identification of the role [redacted] plays in the progression of pulmonary hypertension [redacted] [redacted] and the role of [redacted] in inhibiting the progress of the disease, "is a huge step in the understanding and management" of this type of pulmonary hypertension. He states that the Petitioner has made "contributions of major significance to this field," but does not elaborate on the impact of her research.

Likewise, [redacted] Division Chief of Cardiac Surgery at [redacted] affirms the novelty of the Petitioner's research regarding [redacted] and pulmonary hypertension and refers to this research as a "scientific contribution of major significance." However, he does not further explain the impact of the research. Rather, he highlights its significance by noting that it "was so substantial that her abstract about this work was one of the top abstracts selected for presentation at the American Heart Association [AHA] Scientific Sessions held at [redacted] Florida in [redacted] 2011," and subsequently

¹ See USCIS Policy Memorandum PM-602-0005.1, Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14 8-9 (Dec. 22, 2010), <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/i-140-evidence-pm-6002-005-1.pdf>.

published in the AHA journal Hypertension, which he describes as “the most respected hypertension medical journal in the world.” [redacted] currently a professor at [redacted] School of Medicine, describes the Petitioner’s discovery of the first known [redacted] agent that limits the progression of pulmonary hypertension as “truly novel and avant garde,” and notes her publication in Hypertension. He emphasizes that she was recognized by the national and international community as evidenced by her invitation to present her research at the [redacted] Annual meeting of the Society of Free Radical Biology Medicine and at the AHA Scientific Sessions, but he does not explain how the Petitioner’s research findings went on to significantly impact or influence the field. Although funded and published work may be “original,” the publication or presentation of one’s work alone is not sufficient to establish that the work is of major significance.

The Petitioner’s initial evidence included one additional letter from [redacted] Professor of Surgery at [redacted] who stated that the Petitioner’s research “is truly a contribution of major significance in the field of pulmonary hypertension.” Specifically he noted that her research “has led to a series of significant publications and presentations throughout the world on clinical and medical knowledge related to the management of [redacted] heart failure patients, including their selection, care and long-term prognosis for [redacted] mechanical device implantation and [redacted] heart failure by the use of [redacted] mechanical devices.” However, he does not describe her research in these areas, speak to its originality, or explain in detail how her work has been widely accepted or implemented in the field to support his conclusion that she has made contributions of major significance.

Letters that specifically articulate how a petitioner’s contributions are of major significance to the field and its impact on subsequent work add value. 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.² Moreover, USCIS need not accept primarily conclusory statements. 1756, Inc. v. The U.S. Att’y Gen., 745 F. Supp. 9, 15 (D.C. Dist. 1990). Here, the letters do not, for example, indicate that therapeutic treatments were being developed as a result of the Petitioner’s research, that her work has already had a widespread impact, or that it substantially influenced the nature or direction of research being conducted in her area of specialty.

In a request for evidence (RFE), the Director advised the Petitioner that while she had established the originality of her contributions, she did not submit sufficient evidence to establish their major significance in her field. The Director requested additional evidence to demonstrate how her work had been unusually influential or how it has substantially affected her field.

The Petitioner’s response included one additional letter in support of this criterion from [redacted] [redacted] a cardiac electrophysiology specialist at [redacted] [redacted] states that the Petitioner “has established a link between [redacted] and patients receiving [redacted] assist devices” and states that her “research on the outcomes of patients treated with [redacted] devices will benefit heart failure patients worldwide.” He also notes that her research “has immense potential in changing the management of heart failure worldwide” and provides a list of ten of her publications as “a testimony of [the Petitioner’s] high impact research.” Finally, he notes that her 2013 article published in Hypertension “is the only publication in the world to show the connection between [redacted] and

² See USCIS Policy Memorandum PM-602-0005.1, supra, at 8-9

pulmonary hypertension,” and states that “[h]er findings have contributed to better understand heart failure and for better practices in the field of medicine as evidenced by her findings being majorly cited by other medical professionals in the area of heart failure.” However, he does not describe in any detail how the Petitioner’s research has already influenced medical practices and the record does not contain supporting evidence demonstrating this influence. In addition, as discussed further below, the record does not corroborate [redacted]’s assertion that the Petitioner’s research in this area has been “majorly cited.” Most of his other assertions regarding the impact of the Petitioner’s work speaks to its potential or future benefit and do not demonstrate her research has already had an impact or influence commensurate with “major significance.”

Rather than providing specific examples of how the Petitioner’s work has already substantially impacted her field, the submitted reference letters point to the Petitioner’s publication of her research in respected journals and presentation of her work at prestigious conferences as evidence that validates the importance of her work.

However, the Petitioner’s publications, conference presentations, and citation history, considered independently and in context with the evidence as a whole, are insufficient to satisfy this criterion. The record provides ample evidence that the Petitioner has published her research and presented at international conferences in her field. Such evidence verifies that the Petitioner has shared her original research. To satisfy this criterion, she must demonstrate that the reaction from others in the field is such that it supports a finding that her work rises to the level of “contributions of major significance” in the field. For example, peer-reviewed presentations at academic symposia or peer-reviewed articles in scholarly journals that 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 the petitioner’s work as authoritative in the field, may be probative of the significance of their contributions to the field of endeavor.³

The Petitioner submitted a full Google Scholar citation history in response to the Director’s RFE which lists over 60 publications since 2010 and shows that she had received 305 total citations.⁴ With respect to her research related to [redacted] and pulmonary hypertension, the citation history reflects that her article [redacted]

[redacted] published in Cell Biochemistry and Cell Biophysics in 2013, had been cited 32 times.

The article that is most referenced in the submitted recommendation letters, [redacted]

[redacted]

published in Hypertension in 2013, had garnered 22 citations. The Petitioner’s most-cited articles in the area of ventricular assist devices were both published in The Journal of Heart and Lung Transplantation in 2012 and 2013 and have 46 and 28 citations, respectively.

In evaluating this evidence, the Director acknowledged [redacted]’s statement that the Petitioner’s work had been “majorly cited by other medical professionals,” but determined that her “citary history of 305 citations” did not compare favorably with that of leading scientists who have garnered thousands of citations, and therefore did not substantiate the major significance of her contributions.

³ See USCIS Policy Memorandum PM-602-0005.1, supra, at 8-9.
⁴ An incomplete Google Scholar printout submitted at the time of filing showed 269 total citations. The Petitioner also submitted a citation summary from ResearchGate indicating that she had 52 publications that had been cited 202 times in total.

We note that the comparison of the Petitioner's overall number of citations to that of other scientists or researchers in her field is not appropriate in determining whether she has made original contributions of major significance in the field. Rather, the evaluation of the Petitioner's total citations relative to others in her field would be more relevant in a final merits determination to analyze whether she demonstrated her sustained national or international acclaim and recognition of her achievements in the field through extensive documentation.

However, it is appropriate to consider evidence of citations to specific articles that relate to the Petitioner's claimed original contributions of major significance. Generally, citations to a given article can serve as an indication that the field has taken interest in a petitioner's work; however, the fact that a petitioner has published articles that other researchers have referenced, is not, by itself, sufficient to establish she meets this criterion. Here, the Petitioner has not presented sufficient evidence establishing that the citation numbers recorded in Google Scholar confirm that one or more of her publications has provoked widespread commentary or received notice from others working in the field at a level consistent with "contributions of major significance in the field." Although she has submitted evidence that her work has been cited by other researchers throughout the United States and internationally, she has not sufficiently shown that her work has been cited as authoritative in the field or has otherwise influenced the field in a significant way.

We note that the Petitioner characterizes her own citation numbers as "moderate," but emphasizes that "the quality of submitted citations is also just as critical in determining whether the field has genuinely taken interest in a researcher's work." For example, she emphasizes that she published in Hypertension, which "ranks #1 among all hypertension journals and #4 among 67 journals in the [redacted] category . . . and has an impact factor = 6.873 and a manuscript acceptance rate: 22%." We note that a given publication's high ranking or impact factor is reflective of the publication's overall citation rate. It does not, however, demonstrate the influence of any particular author within the field, how an author's individual research impacted the field, or establish a contribution of major significance in the field. The record does not establish that the 22 citations received by the Petitioner's 2013 article in Hypertension reflect that it has been the subject of widespread commentary in the field consistent with an original contribution of major significance.

Therefore, while we acknowledge the Petitioner's claim that the citation numbers may not fully convey the importance of the work, we cannot conclude that she has provided evidence to support [redacted]'s claim that her work has been "majorly cited" by other medical researchers or that her contributions have already significantly influenced research in her field. The record contains ample evidence regarding the prevalence and seriousness of cardiovascular disorders including pulmonary hypertension and heart failure. While we recognize the importance of this field of medical research, the record does not contain sufficient evidence to support the Petitioner's claim that her work has already had a major influence in her field such as, for example, by significantly influencing treatment practices, development of therapeutics, or the direction of further research.

Finally, we acknowledge that the Petitioner has submitted new evidence on appeal in support of this criterion, including copies of two recommendation letters which she states were submitted in support of a O-1 nonimmigrant petition filed on her behalf in 2014. In fact, most of the arguments made on appeal rely on these letters, with few specific references explaining how the previously submitted evidence was sufficient to establish her eligibility or how the Director erred in his evaluation of that

evidence. Where, as here, a Petitioner has been put on notice of a deficiency in the evidence and has been given an opportunity to respond to that deficiency, the AAO will not accept evidence offered for the first time on appeal. Matter of Soriano, 19 I&N Dec. 764 (BIA 1988); Matter of Obaigbena, 19 I&N Dec. 533 (BIA 1988). As noted, the Director issued an RFE which included an explanation of the deficiencies in the record and a list of evidence that could be submitted to overcome those deficiencies. Accordingly, we will not consider this newly submitted evidence in evaluating this criterion.

The Petitioner also submits evidence that she has recently had four abstracts related to mechanical ventricular support and heart transplantation accepted for presentation at the [redacted] Heart and Lung Transplantations meeting in [redacted] 2020. However, this evidence post-dates the filing of the petition and has not been considered in our evaluation of her eligibility under this criterion. The Petitioner must establish that all eligibility requirements for the immigration benefit have been satisfied from the time of the filing and continuing through adjudication. 8 C.F.R. § 103.2(b)(1).

For the reasons discussed above, the Petitioner has established that she has made original contributions of major significance in the field.

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)

The Petitioner contends that she played a leading and critical role as an assistant professor at [redacted] as a research associate at [redacted] Healthcare, and as a post-graduate research associate at [redacted] University. As it relates to a leading role, the evidence must establish that a petitioner is or was a leader. A title, with appropriate matching duties, can help to establish if a role is or was, in fact, leading.⁵ Regarding a critical role, the evidence must demonstrate that a petitioner has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities. It is not the title of a petitioner's role, but rather the performance in the role that determines whether the role is or was critical.⁶

Initially, the Petitioner claimed eligibility under this criterion based on a description of her research activities for each institution, rather than relying on detailed letters from individuals with personal knowledge of the significance of her roles. For example, she noted that her work at [redacted] and [redacted] Healthcare resulted in "significant publications and presentations" and submitted a screenshot from the [redacted] surgical department's website where she is listed as an associate professor. [redacted]'s letter stated that she had performed "the critical role of translational medical researcher" at [redacted] while [redacted] indicated that she served "in an essential capacity as a key person in translational medical research" at [redacted]. Neither individual elaborated on how she contributed in a way that was of significant importance to the outcome of the university's activities, nor did their letters identify in what capacity the authors gained personal knowledge of the Petitioner's role at [redacted].

⁵ See USCIS Policy Memorandum PM-602-0005.1, supra, at 10.

⁶ Id.

In response to the Director's RFE, the Petitioner submitted a letter from [redacted] and a more detailed letter from [redacted] [redacted] of [redacted] states that he has "direct and personal knowledge of [the Petitioner's] leading and critical role in the academic division of cardiac surgery as judged by the research performed by her." He goes on to highlight her research and publications in the areas of pulmonary hypertension and ventricular assist devices, and notes that her findings published in Hypertension in 2013 were "singular in the university's cardiac surgery department." However, much of the research he describes was conducted by the Petitioner at other institutions as the record reflects that she has been at [redacted] only since early 2019. [redacted] does not offer probative details in support of his assertion that she performs in a "leading and critical role" for [redacted] or that he has personal knowledge of her roles for other universities.

In his second letter, [redacted] states that he has worked directly with the Petitioner at [redacted] [redacted] Memorial Hospital and [redacted] over the last 10 years and can confirm her "lead and critical role" for each institution. Specifically, he indicates that he has been "the principal investigator under whom [the Petitioner] has performed her research activities since July 2009." With respect to the Petitioner's role at [redacted] [redacted] notes her discovery of the link between [redacted] and pulmonary hypertension and her "extraordinary contributions in the development of this project" in his laboratory. He credits her with supporting NIH and AHA funding proposals, with placing the [redacted] Division of Cardiac Surgery "on the national and international map by presenting her work at national and international scientific society meetings and publishing in high impact journals" and emphasizes her "critical part" and "importance to the Division of Cardiac Surgery" at the university. [redacted]'s statement establishes that the Petitioner performed admirably in her post-graduate research role in his division and that her expertise in [redacted] was important to his own research. It does not establish that she held a "leading" role based on her placement within the university's organizational structure, or provide sufficient support for a finding that she was responsible for the university's success or standing to a degree consistent with the meaning of "critical role."

With respect to her role as a research associate at [redacted] Memorial Hospital, [redacted] states that the Petitioner was "the only MD who actively pursued research in the [hospital's] Division of Cardiothoracic Surgery." He emphasizes that the Petitioner had eight abstracts accepted for presentation at the 2016 [redacted] meeting, which was "the highest number by an individual in my department." While this information indicates that the Petitioner was a successful and productive researcher within [redacted]'s department, it does not offer probative details establishing how the Petitioner's role as a research associate was leading based on its placement in the hospital's hierarchy, or that her role was significant to the outcome of the hospital's activities to the extent that the role was critical.

Finally, [redacted] discusses the Petitioner's role at [redacted] stating that she is "the only researcher with an MD pursuing full-time research in my division of cardiac surgery," and, out of five faculty members, "is the only faculty exclusively hired for her expertise in research," with responsibility for "leading the research efforts of the division." He further describes some of her duties, including maintenance of laboratory equipment and protocols, performance of animal and molecular biology experiments, development of collaborations with other physicians and scientists, and mentorship of medical and undergraduate students. While [redacted] conveys that he considers the Petitioner to be invaluable to the success of the medical research undertaken by his laboratory and indicates that she serves in a unique role within the department based on her medical degree and research interests, his letter does

not offer probative details explaining how her assistant professor role is leading within [redacted] or how it is of significant importance to the hospital's standing or success.

On appeal, the Petitioner asserts that she is now providing "more detailed and probative evidence of her leading and critical roles and how they impacted, as a whole, the organizations of distinguished reputations for whom she has made original scientific discoveries." As noted, where a Petitioner has been put on notice of a deficiency in the evidence and has been given an opportunity to respond to that deficiency, the AAO will not accept evidence offered for the first time on appeal. *Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Obaigbena*, 19 I&N Dec. 533 (BIA 1988).

Nevertheless, we note that the new evidence, a third letter from [redacted] repeats much of the same content included in the letter previously provided in response to the RFE. He further elaborates on the Petitioner's current role at [redacted] by explaining that he and two other nationally renowned cardiovascular physicians were recruited by [redacted] in January 2019 "to build a cardiovascular institute that would offer world-class care in all areas of cardiovascular medicine." [redacted] explains that "[i]t is not possible to build a world-class cardiovascular center without certain extraordinary medical researchers who can lead and play the critical role between translating the clinical outcomes and advancing the research necessary to imagine, research, perform the experiments, demonstrate through peer-reviewed journal articles and presentations at national and international conferences and maintain the collaborations and seek the grants necessary to sustain such an effort." He states that the Petitioner "is one such a person." [redacted] also explains that her research is expected to "critically influence patient care" in the [redacted] Tennessee area and other areas of need in the region.

While [redacted] indicates that he considers the Petitioner's role essential for the successful launch of [redacted]'s new cardiovascular center, the evidence does not establish that this role is in a lead or critical capacity that is responsible for the standing of [redacted] as a whole or that the cardiovascular center, opened the same year the petition was filed, enjoys a distinguished reputation. Further, although he indicates that the Petitioner is heading his laboratory and leading research activities for his department, it has not been established that she has a leading role within [redacted].

In light of the above, the Petitioner has not satisfied this criterion.

B. Prior O-1 Nonimmigrant Status

We note that the record reflects that the Petitioner received O-1 status, a classification reserved for nonimmigrants of extraordinary ability. Although USCIS has approved at least one O-1 nonimmigrant visa petition filed on behalf of the Petitioner, the prior approval does not preclude USCIS from denying an immigrant visa petition which is adjudicated based on a different standard - statute, regulations, and case law. Many Form 1-140 immigrant petitions are denied after USCIS approves prior nonimmigrant petitions. See, e.g., *Q Data Consulting, Inc. v. INS*, 293 F. Supp. 2d 25 (D.D.C. 2003); *IKEA US v. US Dept. of Justice*, 48 F. Supp. 2d 22 (D.D.C. 1999); *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *affd*, 905 F. 2d 41 (2d. Cir. 1990). Furthermore, our authority over the USCIS service centers, the office adjudicating the nonimmigrant visa petition, is comparable to the relationship between a court of appeals and a district court. Even if a service center director has approved a nonimmigrant petition on behalf of an individual, we are not bound to follow that finding

in the adjudication of another immigration petition. *Louisiana Philharmonic Orchestra v. INS*, No. 98-2855, 2000 WL 282785, at *2 (E.D. La. 2000).

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 her 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 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).

For the reasons discussed above, the Petitioner has not demonstrated her 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.