



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

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

In Re: 16877117

Date: MAY 21, 2021

Appeal of Texas Service Center Decision

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

The Petitioner, a human resources and labor researcher and professor, seeks classification as an alien 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 had satisfied only two of the initial evidentiary criteria, of which she must meet at least three.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

Section 203(b)(1)(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 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 indicates employment since 2012 as an associate professor of business administration at [redacted] University, Taiwan. The record reflects that she received her Ph.D. in human resource management from [redacted] University, Taiwan in 2008. 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).

In denying the petition, the Director determined that the Petitioner fulfilled two of the initial evidentiary criteria, judging at 8 C.F.R. § 204.5(h)(3)(iv) and scholarly articles at 8 C.F.R. § 204.5(h)(3)(vi). The Petitioner's documentary evidence indicates that she has reviewed manuscripts for the *International Journal of Information Management* and served as a thesis examiner. In addition, the Petitioner has authored scholarly articles in professional publications. Accordingly, we agree with the Director that the Petitioner fulfilled the judging and scholarly articles criteria.

On appeal, the Petitioner asserts that she meets four additional evidentiary criteria, relating to nationally or internationally recognized awards, published materials in major media, original contributions, and high salary.<sup>1</sup> After reviewing all the evidence in the record, we conclude that the record does not support a finding that the Petitioner satisfies the requirements of at least three criteria.

*Documentation of the alien'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).

In order to fulfill this criterion, the Petitioner must demonstrate that her prizes or awards are nationally or internationally recognized for excellence in the field of endeavor.<sup>2</sup> 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

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<sup>1</sup> We note that the Director determined that the Petitioner initially submitted evidence related to the membership in associations criterion at 8 C.F.R. § 204.5(h)(3)(ii) but did not satisfy this criterion. The Petitioner does not contest this issue on appeal and therefore we deem it to be waived. *See, e.g., Matter of M-A-S-*, 24 I&N Dec. 762, 767 n.2 (BIA 2009).

<sup>2</sup> 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>.

as any limitations on competitors.<sup>3</sup> The Petitioner claims to meet this criterion based on her receipt of several awards for her academic research and teaching as follows:

- 2019 [redacted] Academic Research Award from the [redacted] Foundation for [redacted]' research results
- 2019 [redacted] University Academic Research Committee [redacted] Scholarship grant
- 2019 [redacted] University [redacted] for having instructed 3rd place team in the [redacted]"
- 2018 [redacted] Academic Research Award for research results that were [redacted],
- 2017 Academic Research Committee of [redacted] University's [redacted] Scholarship grant
- 2017 [redacted] Foundation endowment [redacted] Award
- 2013 [redacted] Academic Research Award for research results that were [redacted],
- 2013 [redacted] University Office of Research Development [redacted] Scholarship grant
- 2012 [redacted] Award from [redacted] [redacted] for the paper titled [redacted]
- 2012 [redacted] University Office of Research Development [redacted] Scholarship grant
- 2011 [redacted] University Office of Research Affairs & International Cooperation [redacted] funding award
- 2011 [redacted] Research Award for the paper titled [redacted] and NT\$5,000 grant
- 2011 [redacted] Research Award for the conference paper titled [redacted] and NT\$2,000 grant
- 2009 [redacted] Research Award for [redacted]
- 2009 [redacted] Academic Research Reward for the conference presentation, [redacted] for NT\$5,000.

The Petitioner also provided a letter addressed to her from the [redacted]. The letter advises the Petitioner that her submission to its 2013 annual meeting, a paper titled [redacted] was judged "one of the best accepted papers in our program," and invites her to revise and resubmit her paper for publication in the [redacted] Meeting." Although screenshots from the AOM website indicate it gives Publication Awards to "journal articles that were published in the

<sup>3</sup> *Id.*

previous year in each of the Academy's six journals," the aforementioned letter does not state that the Petitioner won an award or prize at the conference or otherwise.

As it relates to the Petitioner's academic research and teaching awards, above, the record reflects information from the [redacted] indicating that the Academic Research Award was established "in order to improve teaching quality and promote higher education," and that it is given to "full-time professors who have been teaching at the department of business administration with the most recent 3-year publications as the examining standard." Regarding the [redacted] Award, a screenshot of documentation from the website [www.senate.universityofcalifornia.edu](http://www.senate.universityofcalifornia.edu) provides that the award was established by the California-based [redacted] in memory of [redacted] a former University of California [redacted] professor who taught at [redacted] University. The stated purpose of the award, in relevant part, is to "[a]ssist University of [redacted] faculty members to teach, study, and research at American institutions of higher learning, and . . . aid [redacted] University in its educational programs, otherwise." The Petitioner, however, did not demonstrate that either a [redacted] Academic Research Award or a [redacted] Award is nationally or internationally recognized for excellence by the overall field.<sup>4</sup>

As it pertains to the aforementioned Best Paper Award from the [redacted] [redacted] the record does not contain information about the national or international recognition of the award and issuing organization. The Petitioner did not submit secondary evidence, such as news articles or letters from the sponsoring organization, documenting the prestige associated with this award that would indicate national or international recognition as an award for excellence in her field. The documentation submitted does include the criteria used to select the best paper submitted to the conference. The Petitioner has not provided any evidence to indicate that this award conveys national or international recognition or that the award recognizes excellence within the field.

For these reasons, the Petitioner did not demonstrate that she satisfies this criterion.

*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 maintains that she satisfies this criterion based on submitted copies of online articles from Chinese publications. The articles were published by United Daily News ([www.money.udn.com](http://www.money.udn.com), citing Economic Daily News as its source), Apple Daily (Taiwan) ([www.tw.finance.appledaily.com](http://www.tw.finance.appledaily.com)), Commercial Times ([www.m.ctee.com.tw](http://www.m.ctee.com.tw)), and China Times ([www.chinatimes.com](http://www.chinatimes.com), citing Commercial Times as its source).<sup>5</sup> The articles from these sources, all dated [redacted] 2019, were

<sup>4</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 6 (providing that an award limited to competitors from a single institution, for example, may have little national or international significance).

<sup>5</sup> The Petitioner also provided an article in which she is quoted on the subject of Taiwan's [redacted], published on [redacted] 2020, in the magazine *DuWei TW*. However, because the Petitioner must establish eligibility at the time of filing (February 24, 2020) in accordance with 8 C.F.R. § 103.2(b)(1), we will evaluate evidence that pre-dates the filing of the petition.

reviews of a seminar organized by [redacted] University on the topic [redacted]

[redacted] hosted by the university chairperson, [redacted]

While these articles identify the Petitioner as a panelist and professor in the business administration department and quote her, they are not about her; rather, they are reviews of the conference in which she participated. 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>6</sup>

In addition, none of these articles was accompanied by supporting evidence demonstrating that they were published in professional or major trade publications or other major media. As it relates to Apple Daily (Taiwan) and Commercial Times, although the Petitioner provided total visits from SimilarWeb, the Petitioner did not provide evidence demonstrating the significance of the visits and comparative circulation or distribution figures in support of a claim that either of these publications would be considered major media consistent with this regulatory criterion.<sup>7</sup> Further, regarding Economic Daily News, the Petitioner has neither claimed nor provided evidence that this publication qualifies as major media in China.

For the foregoing reasons, the Petitioner did not establish that she meets this criterion.

*Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.* 8 C.F.R. § 204.5(h)(3)(v).

The Petitioner contends that several reference letters, the Petitioner's citations, her co-authorship of two books, and her participation in professional conferences demonstrate her eligibility for this criterion. In order to satisfy this criterion, a petitioner must establish that not only has she made original contributions but that they have been of major significance in the field.<sup>8</sup> 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 in the field.

Regarding the Petitioner's reference letters, although the Petitioner provided evidence reflecting the originality of her research through recommendation letters praising her for her contributions, the authors do not provide specific examples of contributions that are indicative of major significance. In general, the letters recount the Petitioner's research and findings, indicate their publication in journals, and comment on their potential and possible future applications, but do not demonstrate that her research and findings have made the required impact in the field.

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<sup>6</sup> *See also* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 7 (providing that the published material should be about the petitioner relating to his or her work in the field, not just about his or her employer or another organization with whom he or she is associated).

<sup>7</sup> *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 7 (providing that evidence of published material in professional or major trade publications or in other major media publications should establish that the circulation (on-line or in print) is high compared to other circulation statistics).

<sup>8</sup> *See* USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9 (finding that although funded and published work may be "original," this fact alone is not sufficient to establish that the work is of major significance).

For instance, [redacted] who teaches two courses with the Petitioner at [redacted] University, and [redacted], who was on the Petitioner's doctoral thesis oral examination committee, discuss two of the articles authored by the Petitioner. We note that their letters contain multiple identical statements, suggesting that their language was not written independently. While we acknowledge that the authors have provided their support for this petition, it is unclear whether the letters reflect their independent observations and thus an informed and unbiased opinion of the Petitioner's work. In evaluating the evidence, the truth is to be determined not by the quantity of evidence alone but by its quality. See *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

[redacted] and [redacted] state that the published article "[redacted]" verified that "organization-level commitment-based [redacted] to influence performance" and that "teamwork processes constitute an important mediating factor." They assert the article was valuable because it "helps team members to understand the team's mission, goals, [and] assessed strategies." They further praise the novelty of the published article [redacted]. [redacted] in recommending that organizations focus on "how to use management strategies to reduce the [redacted] and its effects in order to enhance the well-being of employees." Here, [redacted] and [redacted] did not explain how the aforementioned publications in journals have significantly influenced the field in a major way.

[redacted] the Petitioner's co-author and doctoral advisor at [redacted] University, Taiwan, provides that the published article "[redacted]" found that "HR practices, incentive compensation plans, performance appraisal systems, and face-to-face communication foster [redacted]." [redacted] speculated on the potential influence of the article, stating that it "could have some implications in other disciplines . . . as every scientific and academic activity involves [redacted] . . ." While the letter shows promise in the Petitioner's work, it does not establish how her work already qualifies as a contribution of major significance in the field, rather than prospective, potential impacts. The significant nature of her work has yet to be determined or measured. Further, [redacted] praises the originality of the published article "[redacted]" stating its application of the "ownership perspective" to [redacted] is an "innovative approach." He asserts that the Petitioner's work in human resource management "has gained her national and international recognition." Again, [redacted] did not articulate how the Petitioner's publications or findings have impacted the field. Repeating the language of the statute or regulations does not satisfy the petitioner's burden of proof. *Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990); *Ayvr Associates, Inc. v. Meissner*, 1997 WL 188942 at \*5 (S.D.N.Y.).

The letters considered above, solicited from the Petitioner's colleagues, primarily contain broad attestations of the significance of the Petitioner's research studies without providing specific examples of original contributions that rise to a level consistent with 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.<sup>9</sup> Letters that lack specifics and use hyperbolic language do not add value, and are not considered to be probative evidence that may form the basis for meeting this criterion.<sup>10</sup> 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). The authors’ assertions in the above-referenced letters do not explain how the Petitioner’s research findings have been widely implemented or relied upon by others in the field. Simply stating that the work “has gained [the Petitioner] national and international recognition” or that it has potential to majorly impact the field in the future is not sufficient. Without additional detail explaining her accomplishments relating to new or innovative techniques or findings, the letters discussed above do not establish that the Petitioner’s research has had a demonstrable impact in her field commensurate with a contribution of major significance.

In addition, the Petitioner maintains that her 11 articles have collectively garnered 257 citations at the time of filing. The Petitioner submitted her publication and citation record compiled from Google Scholar and other sources. The evidence reflects that her four highest cited articles received 105 (*The International Journal of Human Resource Management*), 95 (*International Journal of Information Management*), 33 (*International Journal of Information Management*), and 14 (*Social Behavior and Personality An International Journal*) citations, respectively.<sup>11</sup> But this evidence does not show that the impact of her work on the overall field of human resources management or related fields rises to the level of an original contribution of major significance. Highly-cited publications alone are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of “major significance,” as the number of citations for a given article often does not provide sufficient context to establish the impact or importance of a given researcher’s work in the field.<sup>12</sup>

We acknowledge, however, that evidence that the Petitioner’s 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 [her] work as authoritative in the field, may be probative of the significance of [her] contributions to the field of endeavor.”<sup>13</sup> We also acknowledge that the Petitioner provided rankings which appear on the websites of several journals that have published her work. The Petitioner asserts that the journal ranking of those journals sufficiently establish their impact. The impact of a given journal is not persuasive evidence of the impact of every article published in that journal. A publication that bears a high ranking or impact factor reflects the publication’s overall citation rate; it does not show the influence of any particular author within the field, how an author’s research impacted the field, or establish a contribution of major significance in the field. That context must be provided by other evidence in the record. The Petitioner has not demonstrated that any of her articles resulted in an original contribution of major significance in the field. While the Petitioner submitted corroborating evidence in the form of expert opinion letters, that evidence, for the reasons

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<sup>9</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9.

<sup>10</sup> *Id.* at 9.

<sup>11</sup> The Petitioner’s remaining 7 articles received between 1 and 5 citations, with 3 articles garnering no citations.

<sup>12</sup> We note that evidence that summarizes citations to the Petitioner’s entire body of published work, and claims that her overall citation rate is high, does not demonstrate that any specific work of hers is so widely cited and relied upon that it is considered to have made a major impact in her field. In general, the comparison of the Petitioner’s cumulative citations to others in the field is often more appropriate in determining whether the record shows sustained national or international acclaim and demonstrates that she is among the small percentage at the very top of the field of endeavor in a final merits determination if the Director determined she met at least three of the regulatory criteria. See *Kazarian* 596 F.3d at 1115.

<sup>13</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8.

already discussed, is not sufficient to establish that any of the Petitioner's research findings, individually or collectively, have remarkably impacted or influenced her field.

Further, the record included published articles that cited to her work in support of her claim that other scientists have relied on her research. A review of those articles, though, does not show the significance of the Petitioner's research to the overall field beyond the authors who cited to her work.<sup>14</sup> For instance, the Petitioner provided an article entitled, [REDACTED] [REDACTED] (*Journal of Knowledge Management*), in which the authors cited several times to her second-highest cited article (*International Journal of Information Management*).<sup>15</sup> However, the article does not distinguish or highlight the Petitioner's written work from the other 125 papers cited in the article. Moreover, the paper does not indicate that the Petitioner's article is authoritative or otherwise viewed as being majorly significant in the field. While it is likely that the Petitioner's published research has incrementally advanced the research in her field, which is reasonably expected of research deemed worthy of publication, her publication record does not establish how she has generated widespread commentary or acceptance and application of her findings, nor does the evidence establish that her published studies have advanced the field in a significant way. As a result, the Petitioner has not shown how her published original research has made an impact that rises to the level of "major significance" consistent with this regulatory criterion.

Likewise, the Petitioner provided evidence of her attendance and participation at conferences but did not demonstrate how they resulted in contributions of major significance in the field. Publications and presentations are not sufficient under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they were of "major significance." See *Kazarian v. USCIS*, 580 F.3d 1030, 1036 (9th Cir. 2009), *aff'd in part*, 596 F.3d 1115. Here, the Petitioner has not established that publication in a journal or presentation at a conference alone demonstrates a contribution of major significance in the field. Further, the Petitioner has provided evidence that she is the co-author of the book [REDACTED] and the co-editor and co-author of the book [REDACTED] Although she provided her author royalty statement from the publisher of [REDACTED] the Petitioner has not shown that these books are widely used in the field or other evidence demonstrating that the inclusion of her work in these texts indicates it is of major significance to the field.

For the reasons discussed above, considered both individually and collectively, the Petitioner has not shown that she has made original contributions of major significance in the field. Considered together, the evidence consisting of the citations to the Petitioner's published findings, the citation statistics, and the reference letters from her colleagues, establishes that the Petitioner's published data and findings have been relied upon by others in their own research. It does not demonstrate that the Petitioner has made an original contribution of major significance in her field. Therefore, she has not met this criterion.

*Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.* 8 C.F.R. § 204.5(h)(3)(ix).

<sup>14</sup> See USCIS Policy Memorandum PM 602-0005.1, *supra*, at 8-9; see also *Visinscaia*, 4 F. Supp. 3d 126, 134-135 (D.D.C. 2013) (upholding a finding that a ballroom dancer had not met this criterion because she did not corroborate her impact in the field as a whole).

<sup>15</sup> Although we discuss a sample article, we have reviewed and considered each one.



In order to fulfill this criterion, a petitioner must demonstrate that she commands a high salary or other significantly high remuneration for services in relation to others in her field.<sup>16</sup> The Petitioner initially provided an Individual Income Tax Statement from the National Taxation Bureau of [redacted] indicating a 2018 combined gross income for the Petitioner and [redacted] of NTD 3,445,009. However, this document does not indicate what the Petitioner's previous earnings were for that period.

In addition, the Petitioner provided her salary income from [www.web.sys.scu.edu.tw](http://www.web.sys.scu.edu.tw), indicating that her 2019 and 2018 earnings were, respectively, NTD 1,898,297 and NTD 1,598,297. The Petitioner also submitted a screenshot from [www.jobsalary.com.tw](http://www.jobsalary.com.tw), showing that for 2018<sup>17</sup> the average salary for "Professor/Associate Professor/Assistant Professor, Ph.D." with experience "over 7 years" was \$80,896. An additional screenshot from [www.xe.com](http://www.xe.com) indicates that at the time of filing in February 2020, \$80,896 was equal to 2,426.887 TWD/NTD. Further, the Petitioner provided a screenshot from [www.jobsalary.com.tw](http://www.jobsalary.com.tw) showing the average salary in 2019 for the position of "Human Resources Specialist with Ph.D." with "[m]ore than 7 years" experience was \$54,225.<sup>18</sup> The Petitioner, however, must demonstrate that she has earned a high salary or other significantly high remuneration relative to others in her field and not just a salary that is above the average salary.<sup>19</sup> In addition, the data appears to be based on national figures. The Petitioner did not provide independent evidence that would allow us to compare her foreign salary to that of others working in her occupation and geographic area in Taiwan.

The Petitioner must present evidence showing that she has earned a high salary or significantly high remuneration in comparison with those performing similar services in the field. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering a professional golfer's earnings versus other PGA Tour golfers); *Grimson v. INS*, 934 F. Supp. 965, 968 (N.D. Ill. 1996) (considering NHL enforcer's salary versus other NHL enforcers); *Muni v. INS*, 891 F. Supp. 440, 444-45 (N. D. Ill. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen). Here, the Petitioner has not established that the aforementioned *average* salary information for an associate professor and human resources specialist constitutes an appropriate basis for comparison. Without documentation demonstrating that the Petitioner's compensation constituted a high salary or was significantly high in relation to others in the field, she has not established that she meets this regulatory criterion.

### III. CONCLUSION

The Petitioner has not submitted the required initial evidence of a one-time achievement. Further, we find that, although the Petitioner met the judging and scholarly articles criteria at 8 C.F.R. § 204.5(h)(3)(iv) and 8 C.F.R. § 204.5(h)(3)(vi), she did not establish that she meets the criteria relating to nationally or internationally recognized awards, published materials in major media,

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<sup>16</sup> See USCIS Policy Memorandum PM-602-0005.1, *supra*, at 11.

<sup>17</sup> The screenshot from Job Salary indicates the average salaries provided were for the period "January to December 107," and the record contains additional documentation from Holidays-Calendar.Net showing that the Taiwanese Minguo calendar for the year 107 corresponds to 2018 C.E.

<sup>18</sup> The screenshot indicates that the position requires the individual to "[p]erform human resources research within the company or institutes."

<sup>19</sup> Regardless, even considering the *average* salary of an associate professor, the Petitioner's wages do not appear to be at the higher end of the scale.

original contributions, and high salary. 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.