U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 10185052

Date: MAY 24, 2021

Appeal of Nebraska Service Center Decision

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

The Petitioner, an anesthesiologist, 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 Nebraska Service Center denied the petition, concluding that the Petitioner met 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) 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 an anesthesiologist and professor at the [redacted] Medical 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 initially claimed to have satisfied five of these criteria, summarized below:

- (ii), Membership in associations that require outstanding achievements;
- (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 the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(iv) and (vi), relating to judging and to scholarly articles. We will not disturb this conclusion. The record reflects that the Petitioner served as a judge of posters at the [redacted] Annual Meeting of the Chinese Society of Anesthesiology. In addition, it shows that she has authored English language scholarly articles appearing in the *International Journal of Clinical and Experimental Medicine* and the *Journal of Neuroinflammation*, among others.[1]

On appeal, the Petitioner asserts that she also meets the evidentiary criteria relating to membership, original contributions, and leading or critical role. After reviewing all of the evidence in the record, we conclude that the Petitioner has not established that she meets at least three of the regulatory criteria, as required.

[1] We note that in addition to the English language research articles referenced here, the record contains numerous foreign language articles.

> *Documentation of the alien'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 to meet this criterion as she is a "Committee Member" of the Chinese Society of Anesthesiology (CSA), the Chinese Society of Integrative Anesthesiology (CSIA), and the [redacted] Medical Association [redacted], an "elevated level of membership" for which she was chosen "by recognized national or international experts for her outstanding achievements in the field of anesthesiology."

In his decision, the Director noted that the Petitioner submitted evidence of her membership in many associations but concluded that she "provided no probative evidence that the associations require outstanding achievements of their members as judged by recognized national or international experts" in her field. He further determined that "the committee memberships are roles for the association not memberships."

On appeal, the Petitioner argues that the Director's determination that committee memberships are not memberships is an "error of law" and provides one of our non-precedent decisions in support of her assertion. This decision was not published as precedent, and therefore does not bind USCIS officers in future adjudications. *See* 8 C.F.R. § 103.3(c). Non-precedent decisions apply existing law and policy to the specific facts of the individual case and may be distinguishable based on the evidence in the record of proceedings, the issues considered, and applicable law and policy. Accordingly, this decision is not sufficient to demonstrate that the Director's determination was an error of law, as asserted by the Petitioner.

The Petitioner further argues that the Director erred because he concluded that the associations in which she is a member do not require their "general members to have outstanding achievements." Here, the Petitioner does not accurately represent the Director's conclusions. As we noted above, the Director concluded that the record had not demonstrated that these organizations required outstanding achievements of their members *as judged by recognized national or international experts* in her field. Upon review, the documentation in the record supports the Director's conclusion.

The plain language of the criterion requires the Petitioner to establish not only that she is a committee member of the CSA, CSIA, and [redacted], but also that "recognized national or international experts in their disciplines or fields" must judge the Petitioner's "outstanding achievements," in order to become such a member.[2] Here the record does not include evidence establishing that "recognized national or international experts" judged her achievements as a basis for membership. For example, the Petitioner provides correspondence from the Chinese Medical Association (CMA)[3] chairman referencing "Article 31 of [CMA's] bylaws" which state that "national committee members" elect the committee members of the CSA but does not submit these bylaws. The record lacks other evidence regarding the

[2] *See* 6 *USCIS Policy Manual* F.2(B)(2), Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence, https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2 (indicating that the level of membership afforded to the alien must show that in order to obtain that level of membership, the alien was judged by recognized national or international experts as having attained outstanding achievements in the field for which classification is sought.)

[3] The record reflects that the CSA is a specialty society of the CMA.

national committee members, or otherwise establishing whether these members are "recognized national or international experts" in the field of anesthesiology.

With respect to her membership on various CSIA committees, the Petitioner offers documentation from CSIA's chairman noting that "[a]ccording to the fourth chapter of the "Measures for the Administration of the Professional Committee of Chinese Association of Integrative Medicine,"[4] "the Society elected the best members of the Society... as committee members." As with the CSA, the record does not contain the document referenced by the Chairman nor does the Chairman identify the organization he calls "the Society." Even were we to assume that the Society is, in fact, CSIA, we note that the Chairman indicates that CSIA is "composed of medical science and technology workers of integrated traditional Chinese medicine and Western medicine." The record lacks evidence demonstrating that these members are "recognized national or international experts" in the field of anesthesiology.

Finally, with regard to her membership on [redacted] committees, the Petitioner includes a statement from the [redacted] chairman stating that "[c]andidate committee members shall be nominated, recommended and evaluated by experts from [redacted], specialized branches and municipal medical associations." However, as with the CSIA and CSA, the Petitioner does not submit evidence regarding these experts establishing whether they are recognized as national or international experts in her field.

The Petitioner must document that she meets each element in the plain language of the criterion. Without evidence establishing that committee membership requires "recognized national or international experts" in the field of anesthesiology to have judged her outstanding achievements, she has not done so. Accordingly, she does not meet 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)

In his decision, the Director acknowledged the originality of the Petitioner's work, but determined that the evidence did not establish its major significance in the field of anesthesiology. He noted specifically that she has "been a collaborator on scholarly published papers in the field" and that she has "presented [her] work at conferences," but concluded that she had not established the major significance of these presentations and papers in her field.

In order to satisfy the regulation at 8 C.F.R. § 204.5(h)(3)(v), a petitioner must establish that not only has she 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.

The Petitioner contends on appeal that her scholarly research articles are original in nature.[5] We first note that the record includes foreign language articles along with the English translations of their

[4] The Chairman states that CSIA is a subsidiary committee of the Chinese Association of Integrative Medicine (CAIM).
[5] We note the Petitioner's argument on appeal that the Director "ignored" her peer-reviewed presentations at various symposia and "her published articles subject to peer-review in scholarly medical journals." However, contrary to her contention, his decision references them directly.

abstracts. However, the Petitioner does not provide a full English translation of the articles themselves.[6] Any document in a foreign language must be accompanied by a full English language translation. 8 C.F.R. § 103.2(b)(3). The translator must certify that the English language translation is complete and accurate, and that the translator is competent to translate from the foreign language into English. *Id.* Because the Petitioner did not submit a properly certified English language translation of these articles, we cannot meaningfully determine whether they are accurate and thus support her claim that they are original contributions in the field of anesthesiology. Accordingly, these foreign language articles are insufficient to satisfy this criterion.

Notwithstanding this, the record also includes peer-reviewed English language research articles, presentations, patents, and research projects which constitute original contributions in her field. With respect to the research articles and presentations, the Petitioner contends on appeal that, as "[t]he scientific peer-review process is recognized as the scientific method of provoking widespread commentary," these peer-reviewed publications and presentations "are probative of the significance of [her] contributions to her field of endeavor." She does not provide documentation corroborating her contention that the peer-review process is so recognized. Absent this evidence, the fact that the Petitioner's articles and presentations were subject to the peer-review process is not sufficient to establish that they were of major significance in the field of anesthesiology.

In addition, the Petitioner asserts that the Director did not account for evidence of independent citations to her research articles when determining if they were original contributions of major significance. She points to evidence demonstrating that the citation rates for her work had increased "from the time the original petition was submitted to the date of the RFE" and argues that this "clearly showed a high professional medical interest in her research and findings." The petitioner has the burden of proof to establish eligibility for the requested benefit at the time of filing the benefit request and continuing until the final adjudication. 8 C.F.R. § 103.2(b)(1); *see also Matter of Katigbak*, 14 I&N Dec. 45, 49 (Comm'r 1971) (providing that "Congress did not intend that a petition that was properly denied because the beneficiary was not at that time qualified be subsequently approved at a future date when the beneficiary may become qualified under a new set of facts."). Without evidence showing how increasing citation rates after the date of filing demonstrate the major significance of her research prior to the filing of the petition, the Petitioner has not met this burden.

The Petitioner also claims that the Director failed to account for the "382 ... independent citations" to her work in determining whether it constitutes an original contribution of major significance.[7] The Petitioner initially submitted evidence from *Scopus Author Identifier* demonstrating that the Petitioner's research has been cited by other researchers a total of 339 times.[8] As it relates to the cumulative citations of her work, this criterion requires the Petitioner to establish that she has made

[6] The Director noted in his decision that the Petitioner had submitted evidence related to this criterion that was "not in the English language" and "not accompanied by a certified English language translation in accordance with 8 C.F.R. § 103.2(b)" and advised the Petitioner "therefore this evidence cannot be considered probative." He did not identify the evidence to which he was referring.

[7] On appeal, the Petitioner refers to evidence submitted with her response to the Director's RFE. As we note above, a petitioner must establish eligibility for the benefit sought at the time of filing and continuing until the final adjudication. *See* 8 C.F.R. § 103.2(b)(1); *see also Matter of Katigbak*, 14 I&N Dec. at 45, 49. Accordingly we will evaluate the evidence provided at the time of filing indicating that the Petitioner's work had received a total of 339 citations.

[8] We note that this document included three foreign language articles not accompanied by full translations but that these articles received no citations and therefore are not included in this count.

original contributions of major significance in the field. Thus, the burden is on the Petitioner to identify her original contributions and explain why they are of major significance. Here, the Petitioner does not explain or provide evidence demonstrating how the cumulative number of citations of her authored articles or findings establish her contributions of major significance in the field. Moreover, aggregate citation figures tend to reflect a petitioner's overall publication record rather than identifying which research the field considers to be majorly significant.

The aforementioned documentation from *Scopus Author Identifier* further demonstrates that her three highest cited English language articles received 137 (*Anesthesiology*), 67 (*Neuropharmacology*), and 46 (*Anesthesia and Analgesia*) citations, respectively. Again, this criterion requires the Petitioner to establish that she has made original contributions of major significance in the field. Generally, citations can serve as an indication that the field has taken interest in a petitioner's research or written work. However, the Petitioner has not sufficiently shown that the citations for any of her published articles are commensurate with contributions of major significance. Here, the Petitioner did not articulate the significance or relevance of the citations to her articles. For example, she did not demonstrate that the citations to a particular article are unusually high in her field or how they compare to other articles that the field views as having been majorly significant. Although her citations indicate that her research has received some attention from the field, the Petitioner did not establish that the number of citations to her individual articles represent majorly significant contributions in the field.[9]

The Petitioner further argues on appeal that the frequency with which her research has been downloaded demonstrates that it is of major significance in her field.[10] She contends that the Director was wrong to reach the opposite conclusion as, in her words, her "medical work could not be viewed as important since her research and medical information could be downloaded by general citizenry." The Petitioner claims instead that "only medical professionals ... would view or even [*sic*] capable of deciphering [the Petitioner's] important research materials." However, the record lacks evidence, and the Petitioner does not offer documentation on appeal, corroborating her assertion or otherwise establishing that only those in the field of anesthesiology are downloading her work. Even had she done so, the Petitioner does not submit documentation explaining the relevance of these downloads in the field of anesthesiology. For example, she does not provide evidence establishing that this number of downloads is unusually high in the field of anesthesiology or comparing this frequency to the number of times others have downloaded articles viewed as majorly significant in the field. As with citations, the number of downloads indicate that the research has received attention from others, but the Petitioner did not establish that the frequency with which these articles have been downloaded reflect their major significance in the field as a whole.

In addition, the Petitioner argues that the Director failed to account for letters in the record which "described clearly how the petitioner's scientific and scholarly articles are both original and of major significance in the field." Upon review, while these letters generally describe the Petitioner's research

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[9] *See* 6 *USCIS Policy Manual* F.2(B)(2), Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence, https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2 (providing an example that 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 individual's work as authoritative in the field, may be probative of the significance of the person's contributions to the field of endeavor).)

[10] The record includes a document from the China National Knowledge Infrastructure database reflecting that her articles have been downloaded more than 1,1000 times.

in the field of anesthesiology, they lack specific, detailed information explaining the unusual influence or high impact her work has had on the overall field.[11] For example, [redacted] Director of the Department of Anesthesiology of [redacted] Medical College of [redacted] University of Science and Technology, summarizes the Petitioner's "early research on the subject of anesthesia, [redacted]" noting that it has "achieved internationally recognized breakthroughs," but does not offer detailed examples of these breakthroughs. [redacted] of the *Chinese Journal of Anesthesiology*, notes "[the Petitioner's] academic papers… have attracted many positive feedbacks from the industry" and that "[her] study on the effect of [redacted] rates has played a guiding role in scientific research in this field and has made a great contribution to Chinese clinical anesthesia," but does not specifically articulate how the Petitioner's contributions are of major significance to the field. Letters that specifically articulate how the alien's contributions are of major significance to the field and its impact on subsequent work add value. Letters that lack specifics and simply use hyperbolic language do not add value and are not considered to be probative evidence that may form the basis for meeting this criterion.[12] 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). Absent detailed examples of how the Petitioner's research has been of major significance in the field, the reference letters do not sufficiently establish that the Petitioner satisfies this criterion.

The reference letters also discuss the Petitioner's current research on the relationship between [redacted] and discuss its future significance. For example, in his correspondence [redacted] states his belief that this research "will provide unprecedented new evidence for the [redacted] by [redacted] anesthesia, which is of great scientific value and humanistic significance." [redacted] the [redacted] of the Anesthesiology Department of the [redacted] Medical University, opines that "[the Petitioner's] scientific hypothesis based on pre-experimental results, is very innovative" and states her belief that "the successful completion of this study will greatly contribute to the advancement of the [redacted] field." Here, both authors speculate on the future significance of the Petitioner's work but do not provide detailed examples showing that the current impact of the Petitioner's research rises to a level of "major significance" as required.[13] Therefore, these reference letters are insufficient to demonstrate that the Petitioner's research already qualifies as a contribution of major significance in the field.

The Petitioner also asserts that the major significance of her research is demonstrated by the application of research from her project [redacted][14] by other hospitals. The record reflects that this research has been applied to projects carried out by the [redacted] Hospital, the [redacted] Medical University, among others. However, she does not provide evidence demonstrating how these

[11] While we discuss only a sampling of letters here, we have reviewed each one in its entirety.

[12] *See* 6 *USCIS Policy Manual* F.2(B)(2), Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence, https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2.

[13] *Id.*; *see also Kazarian*, 580 F.3d at 1036, *aff'd in part*, 596 F.3d at 1115 (holding that letters that repeat the regulatory language but do not explain how an individual's contributions have already influenced the field are insufficient to establish original contributions of major significance in the field.)

[14] This Petitioner references Appendix 2.3 of her RFE response in the appellate brief. In the letter accompanying her RFE response, she provides this description of the evidence submitted therein.

hospitals' application of her research rises to the level of major significance in the field. For example, she does not submit evidence showing that this number of research applications is unusually high or otherwise reflects that her research has been widely implemented in the field.

With respect to the Petitioner's patents, they demonstrate that the Petitioner has made original contributions in the field of anesthesiology. However, this criterion also requires that they be of major significance in the field. To establish her patents' "major significance" the Petitioner provides a document titled "Proof of Patent Application" from the [redacted] Hospital of [redacted] indicating that it used one of the Petitioner's patented products in 206 of its cases. While this demonstrates the usefulness of her patented product to this hospital, the Petitioner must demonstrate that her original contributions have been of major significance to the field as a whole.[15] Here, she does not submit evidence showing how this hospital's use reflects the patent's major significance in the field. Moreover, the record lacks evidence demonstrating that her two additional patents have been used by others, implemented in the field, or otherwise are of major significance in the field.

For the aforementioned reasons, the Petitioner does not meet this criterion.

> *Evidence that the alien 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 has served in a critical role for [redacted] Medical University [redacted]. As evidence of this, she points to a letter of recommendation from [redacted] of the [redacted] the aforementioned letters of recommendation, and copies of awards she has received.

In order to demonstrate that a petitioner served in a critical role, the evidence must establish that they have contributed in a way that is of significant importance to the outcome of the organization or establishment's activities. A supporting role may be considered "critical" if the petitioner's performance in the role is (or was) important in that way. It is not the title of the alien's role, but rather the alien's performance in the role that determines whether the role is (or was) critical.[16]

In his letter, [redacted] states that "[the Petitioner] ... has played a sustained critical role in the development of clinical anesthesiology in our hospital." He asserts that "[t]he clinical and scientific research level of the Department of Anesthesia... and its influence on clinical anesthesia research have greatly improved in the medical field" as a result of the Petitioner's "active participation in the academic exchanges on anesthesiology at home and abroad." While [redacted] discusses the Petitioner's research and conference activities, he does not provide detailed examples showing how her research has resulted in improving the Department of Anesthesia's influence in the medical field. [redacted] also states that the Petitioner "trained many young talents in the field of anesthesiology for our hospital" but does not indicate how this training has contributed to the outcomes of [redacted] or offer detailed examples demonstrating that it has done so.

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[15] *See Visinscaia*, 4 F. Supp. 3d at 134-35 (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).

[16] *See* 6 *USCIS Policy Manual* F.2(B)(2), Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence, https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2.

[redacted] also notes that the hospital recognized the Petitioner's contributions to the Department of Anesthesiology by awarding her "the title of "Advanced individual in scientific research for 50 years [redacted] and "Third Prize for Advanced Individuals in Scientific Research of Year 2015," among others. The record contains copies of these awards which corroborate his assertion. We acknowledge that these awards demonstrate the Petitioner's importance to the hospital and the quality of her research. However, [redacted] does not provide specific examples explaining how these awards for scientific research reflect the importance of the Petitioner's work to the outcomes of the hospital itself. Letters from individuals with personal knowledge of the significance of a petitioner's leading or critical role can be particularly helpful as long as the letters contain detailed and probative information that specifically addresses how the petitioner's role for the organization or establishment was leading or critical.[17] Absent detailed information addressing how the instant Petitioner's role for [redacted] was of significant importance to the outcome of that entity, [redacted]'s letter is insufficient to demonstrate that the Petitioner served in a critical role for [redacted] Further, [redacted]'s letter does not include an address, as required pursuant to 8 C.F.R. 204.5(g)(1).

The remaining letters of recommendation, discussed above in the context of the original contribution criterion, lack detailed examples showing how the Petitioner contributed to [redacted] in a manner that was critical to that organizations activities. [redacted] Director of the Department of Anesthesiology of the [redacted] University, indicates that the graduate students whom the Petitioner has tutored "showed excellent anesthesiology theory research ability" but does not offer specific examples of how this contributed to the activities of [redacted] The remainder of the letters do not address the Petitioner's employment with [redacted] As we note above, letters from individuals with personal knowledge of the significance of the alien's leading or critical role can be particularly helpful as long as the letters contain detailed and probative information that specifically addresses how the alien's role for the organization or establishment was leading or critical.[18] Absent a discussion of the Petitioner's contributions to [redacted] or their importance to that entity, these letters are insufficient to show that she meets this criterion.

In addition, the authors of this correspondence do not indicate, nor does the record demonstrate, that they currently or have in the past employed the Petitioner. We further note that the letters do not include the authors' full address. Accordingly, they are not in compliance with the regulation at 8 C.F.R. § 204.5 (g)(1) which provides, in relevant part, that "[e]vidence relating to qualifying experience or training shall be in the form of letter(s) from current or former employer(s) or trainer(s) and shall include the name, address, and title of the writer…." For the aforementioned reasons, these letters are insufficient to demonstrate that the Petitioner meets this criterion.

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

[17] *See* 6 *USCIS Policy Manual* F.2(B)(2), Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence, https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2

[18] *Id.*

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.

ORDER: The appeal is dismissed.