



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

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

In Re: 23214182

Date: JAN. 26, 2023

Appeal of Nebraska Service Center Decision

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

The Petitioner, a folk and classical singer, seeks classification as an individual of extraordinary ability in the arts. 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 the Petitioner had satisfied only two of the ten initial evidentiary criteria, of which he must meet at least three. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). 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 their sustained acclaim and the recognition of his achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then they must provide sufficient qualifying documentation that they meet 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 their 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). This two-step analysis is consistent with our holding that the “truth is to be determined not by the quantity of evidence alone but by its quality,” as well as the principle that we examine “each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.” *Matter of Chawathe*, 25 I&N Dec. at 376.

## II. ANALYSIS

The Petitioner has studied music and performed as a folk and classical singer since 1997, when he first entered a preparatory course at [redacted] Conservatory [redacted], a regional state-run musical conservatory located in [redacted] Armenia. He interrupted his musical studies to perform compulsory military service from 1998 through 2000. In 2001, he returned to [redacted] to study vocal theory, graduating with the qualification of an “an opera and concert singer-teacher in the field of vocal art.” The record does not reflect whether he earned an academic degree there. Starting in 2005, he worked for and toured internationally with the Armenian [redacted] as a vocal soloist. He has toured as a singer, not only with [redacted] but also with other ensembles such as the Armenian [redacted]. He entered the United States in March 2021 as a B-2 nonimmigrant and indicates that, subject to the approval of this petition, he plans to tour and teach vocal theory to “bring renewed attention and respect for folk and classical Armenian songs in the United States.”

Because the Petitioner has not claimed or established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Director determined that the Petitioner met only two of the evidentiary criteria relating to judging at 8 C.F.R. § 204.5(h)(3)(iv) and display of his work at 8 C.F.R. § 204.5(h)(3)(vii), which is supported by the record. On appeal, the Petitioner asserts that he meets the eight remaining regulatory criteria at 8 C.F.R. § 204.5(h)(3), which we will discuss in turn.<sup>1</sup>

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<sup>1</sup> While we may not discuss every document in the record, we have reviewed and considered each one.

*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 plain language of this criterion requires evidence (1) of membership in an association, (2) that the association be in the petitioner's academic field, and (3) that the association requires outstanding achievements of their members as judged by recognized national or international experts in their disciplines or fields.

The Petitioner asserts that he meets this criterion through his employment with [REDACTED]. The Director determined that he did not meet this criterion, in part, because the record did not demonstrate that [REDACTED] qualifies as an "association which requires outstanding achievements of their members. . . ." He concluded that the letters submitted to establish [REDACTED] membership requirements were not supported by objective contemporaneous evidence, such as its by-laws or other organizational documents to illustrate its membership requirements. The Director specifically asked for such evidence in a request for evidence (RFE) prior to the denial of the petition. "Failure to submit requested evidence which precludes a material line of inquiry shall be grounds for denying the [petition]." 8 C.F.R. § 103.2(b)(14).

On appeal, the Petitioner points to letters from individuals he considers to be experts in his field who assert that [REDACTED] does have such membership requirements. In particular, he discusses letters from [REDACTED] asserting that he is [REDACTED] director and insisting that his letters are probative evidence sufficient to establish its membership requirements.

First, the Petitioner has not shown that [REDACTED] director. The Petitioner submitted a partially translated foreign language brochure, issued to celebrate [REDACTED] anniversary in 2018. The brochure states that [REDACTED] has been [REDACTED] director since 1984. Many other individuals are noted as serving or having served in leadership capacities within [REDACTED] over the years, but [REDACTED] is not mentioned as a member of the leadership team in the document's partial English translation. Because the Petitioner did not submit a complete and properly certified English language translation, we cannot determine if the partially translated material is accurate and supports the Petitioner's claims regarding [REDACTED] authority to speak on [REDACTED] behalf on issues like its membership requirements and the significance of the Petitioner's role within the organization.

The Director stated in the RFE and denial that 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 they are competent to translate from the foreign language into English. *Id.* Many of the provided foreign language documents lack the required full certified English translations and we incorporate our concerns regarding these documents, relating to this and other criteria. Without the required translations, they are of little probative value. In evaluating the evidence, eligibility is to be determined not by the quantity of evidence alone but by its quality. *Matter of Chawathe*, 25 I&N Dec. at 376.

Even if [redacted] is qualified to describe [redacted] membership requirements, he presents inconsistent and insufficient information in his letters of the methodology it used in 2005 to hire the Petitioner. For instance, in his 2021 letter [redacted] indicated that [redacted] requirements for membership are:

- A diploma from [redacted];
- 10 years of work experience, recognized in the field of expertise;
- Nomination for membership entered by the Director, and;
- A final determination to be made by the committee of Ministry of Culture of Armenia.

The requirement of a diploma from [redacted] seems to limit membership solely to those who attended this regional state-run music school, which raises doubts regarding whether [redacted] membership meets the plain language standards of this criterion. Also, while [redacted] work experience requirement implies its members must be experienced, it does not support the Petitioner's claim that it limits membership only to those who have outstanding achievements in their field.

Although [redacted] contends that [redacted] requires "10 years of work experience," according to the Petitioner's own biographical statements and other evidence in the record, he gained membership in 2005 at the age of 25 - well before he acquired ten years of work experience. In addition, while [redacted] indicates membership is decided by a committee in the Armenian ministry of culture, the Petitioner has not offered evidence of his nomination and ultimate approval for membership in [redacted] nor has he demonstrated that persons who comprise the Armenian ministry of culture committee qualify as "*recognized national or international experts in their disciplines or fields.*" 8 C.F.R. § 204.5(h)(3)(ii). The Petitioner must resolve these inconsistencies and ambiguities in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

[redacted] alternately asserts in his 2022 letter that "for [the Petitioner] to pass the rigorous test of becoming a member of [redacted] we organized a competition where [he] proved with his singing ability, talent and knowledge of Armenian folk and eastern traditional songs and music, that he is still the best and has no equal." [redacted] did not indicate in his 2021 letter that [redacted] requires competition for those who wish to gain membership, nor does he describe in his 2022 letter how the Petitioner's competition was conducted, the requirements for participation, and whether others beyond the Petitioner were allowed to compete.

The Petitioner has not explained why [redacted] presents inconsistent methods through which vocalists are admitted to [redacted]. We conclude that [redacted] letters lend little probative value to the matter here. Doubt cast on any aspect of the Petitioner's [evidence] may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. at 591-92. We agree with the Director that the Petitioner has not met 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).*

In general, a leading role may be evidenced from the role itself, and a critical role is one in which an individual is responsible for the success or standing of the organization or establishment. The Petitioner says he qualifies for this criterion based on his role as a soloist for [ ] but the Director determined the record did not give sufficient information about his position or its duties to show his role was essential to the outcome of [ ] activities. The Director also noted the limited English translations of [ ] brochure identified many other people who are engaged in its management and oversight in positions such as director, chorus masters, conductors and choreographers, and that neither the Petitioner nor [ ] are mentioned in the documentation as performing in any of these roles.

The Director also explained how other letters submitted to establish the nature of the Petitioner's singing roles at various venues, such as an event to mark the [ ] anniversary of a composer, showed that he was a valued participant in these performances, but did not illustrate that he performed in a leading or critical role for organizations or establishments with distinguished reputations. The Director concluded that the Petitioner did not demonstrate how his role sets him apart from others who perform in these musical ensembles, nor was there sufficient evidence to show his positioning in establishments that have distinguished reputations in the field.

On appeal, the Petitioner does not specifically address the concerns outlined by the Director in his denial but instead generally asserts that the Director "did not review the contents of the letters in detail." Based on our de novo review, we agree with the Director that it is not apparent from the evidence how the Petitioner's role for [ ] and the other referenced organizations was leading or critical, or that these entities enjoy distinguished reputations. Accordingly, this criterion has not been met.

*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).*

In order to satisfy this criterion, the Petitioner must demonstrate that he commanded a high salary or other significantly high remuneration for services in relation to others in his field. *See Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering professional golfer's earnings versus other PGA Tour golfers); *see also 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 defencemen).

On appeal, the Petitioner references [ ] letters which allege that the Petitioner "as a best soloist, also has a remarkably high salary at our ensemble compared to the other soloists in Armenia. He receives high compensation from [the] ensemble's concerts and receives bonus compensation for his performances." We incorporate our previous concerns regarding the probative value of [ ] letters with regard to the conditions of the Petitioner's employment with [ ] *Matter of Ho*, 19 I&N Dec. at 591-92.

We agree with the Director that the Petitioner has not presented documentary evidence to show what his compensation was as a soloist. Nor does the offered evidence compare his salary or remuneration

to others similarly employed to establish he has earned a high salary or significantly high remuneration for his services. The plain language of the regulation requires the Petitioner to demonstrate his salary is high when compared to others performing similar work in his field, and he has not done so. This criterion has not been met.

*Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.* 8 C.F.R. § 204.5(h)(3)(x)

The Petitioner stated that he has performed as a soloist in collaboration with other Armenian ensembles in many concerts and referenced his letters of support and promotional materials about his performances, but the Director concluded that this material did not sufficiently constitute evidence of his commercial successes. This criterion requires the Petitioner to establish his commercial success through economic measures, such as volume of sales or box office receipts. The evidence includes a sold-out flyer for an organization's [ ] anniversary event at a Holiday Inn in [ ]. But the Petitioner did not provide ticket sales data for this and other events where he performed to show the revenue he earned as a vocalist. The Director explained that without knowing the size of a venue, simply selling all tickets is not sufficient evidence of commercial successes. The letters also did not offer data about box office receipts at the Petitioner's events or revenue earned from the sale of his recorded music. For instance, one letter stated that the Petitioner performed at the [ ] of Armenia, but without sales documentation and comparable records for other singers, the evidence is insufficient to show his commercial success.

On appeal, the Petitioner references the previously submitted evidence, such as letters, program brochures and event advertisements, and contends that the Director erred in requiring documentary evidence of his commercial success, such as sales revenue or box office receipts. He asserts that requiring such evidence is in error as "[t]he regulation never states on its face that the box office sales are the only regulating and deciding factor under this criterion." While we may agree that box office sales are not the only determining factor, we disagree with his proposition that general evidence of "his performances with different ensembles around the world," is sufficient to demonstrate his commercial successes in the performing arts. Here the plain language specifically calls for the submission of documentary evidence of monetary compensation or other commercially recognized rankings for his performing arts services, such as box office receipts or sales volumes for his musical products, to show that the Petitioner is commercially successful. Without more, the evidence provided falls short of the documentary requirements for this criterion. Accordingly, this criterion has not been met.

*Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.* 8 C.F.R. § 204.5(h)(3)(vi).

On appeal, the Petitioner acknowledges that he "has not been an author of any books or scholarly articles," and he does not specifically contest the Director's decision relating to this criterion. Therefore, we deem this issue to be waived and will not discuss this criterion further. *See, e.g., Matter of M-A-S-*, 24 I&N Dec. 762, 767 n.2 (BIA 2009).

*Published material about the alien in professional or major trade publications or other major media, relating to the alien'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 Director determined the Petitioner did not establish eligibility for this criterion and we agree. For instance, the Petitioner provided a foreign language songbook entitled “Wedding Rites and Komitas,” which was written and published in 2019 by another individual, A-S-. He describes the book as the product of a “project [to] recover [traditional] wedding rites while adapting them to contemporary requirements,” and asserts he was invited to sing the songs in the book. The Petitioner has not adequately explained how this book of wedding songs constitutes published material *about* him, nor has he shown that the book publisher qualifies as a professional or major trade publication or as major media.

The Petitioner also submitted articles discussing events where the Petitioner performed while touring through various locales. Although the Petitioner’s performances are mentioned, the articles appear to recount the occurrence of his concerts as general public interest stories. The Director concluded that this evidence reflected mostly promotional content for ensemble performances and were not articles specifically about the Petitioner. He noted, for example, that the Petitioner’s singing work was mentioned in one sentence among four translated paragraphs in an article reporting on the last night of the [redacted] Group’s performance and discussed the performances of multiple individuals and a dance group program. Likewise, another article described a [redacted] ensemble performance, and one sentence mentioned the Petitioner and another soloist who participated in the performance. These articles are not published material about the Petitioner. *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 individual performers in that show).

The Petitioner has also not offered evidence sufficient to show these publications qualify as major media based on the limited circulation data provided about them. As these periodicals target their content to a segment of the general public located in Kuwait, Turkey, and elsewhere, the evidence also does not demonstrate they qualify as professional or major trade publications.

Finally, the Petitioner offers links to his vocal performances published on YouTube. Without more, the availability of his recorded performances on YouTube does not illustrate that this is published material in major media. The internet in general and YouTube in particular are arenas available to any user with access to a computer and an internet connection regardless of notoriety or recognition in the performing arts. To conclude otherwise would render the “major media” requirement in the regulation at 8 C.F.R. § 204.5(h)(3)(iii) meaningless. International internet accessibility by itself is not a realistic indicator of whether content posted on a given website constitutes major media. Accordingly, the Petitioner has not met this criterion.

*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).*

The Petitioner claims that he meets this criterion based on a gold medal issued to him by the Armenian ministry of [redacted] in 2011 and two certificates from this government agency on other occasions. A third certificate issued with the gold medal states that the medal was awarded to the Petitioner “[f]or his significant contribution to the field of Armenian music, on the occasion of the [redacted] anniversary of

the independence of the Republic of Armenia, the [redacted] soloist was awarded with a gold medal of the Ministry of [redacted] of the Republic of Armenia.”

A 2022 letter from [redacted] deputy minister, Republic of Armenia, Ministry of [redacted] [redacted] indicated that the Petitioner was given the award for his “significant contribution to the field of Armenian Song and music,” noting that the award was “given to few artists and performers for their high skills and great merit in promotion and development of arts.” The record also includes evidence about other recipients of this same award, including a cultural exchange supporter for his contributions “to Armenian Japanese friendship,” a television anchor and author for her contributions “to the development of Armenian and global opera art on the occasion of the 30<sup>th</sup> anniversary of her career,” and a museum curator for “her input and [her museum’s] activities in the museum field of Armenia which stood out for their exemplary standards of programming and operations.”

The Director requested evidence in the RFE to establish specific details pertaining to the criteria for granting the awards; if there were others that were considered for the award; if there were any limitations on competitors; and if the basis for granting the award was excellence in the performing arts. The Petitioner did not sufficiently address this aspect either in his RFE response or on appeal.

On appeal, the Petitioner argues that “the words ‘significant contribution’ has a meaning of ‘excellence’ as is indicated in the plain language of the regulation.” While we acknowledge the submitted letters, the record does not contain sufficient contemporaneous documentary evidence that explains the basis for these awards to show that they qualify as an award for excellence in the performing arts. Rather, the evidence suggests that the Minister of [redacted] of the Republic of Armenia periodically gives awards to recognize individuals who work in a wide variety of occupations which promote Armenian culture. The Petitioner has not adequately established that the “significant contributions” referenced by the Minister of [redacted] in granting the award are synonymous with an award for excellence in his field of endeavor.

Though requested by the Director in the RFE, the record lacks sufficient evidence from the award-granting institution (in this case the Armenian ministry of [redacted]) that identifies its purpose for these awards and the methodology it uses to select recipients for them. 8 C.F.R. § 103.2(b)(14). It is the petitioner’s burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has not done so here. Without more, submitting evidence of the Petitioner’s receipt of awards is insufficient to meet the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(i). We incorporate our concerns regarding the lack of probative evidence about these awards in our consideration of the criterion under 8 C.F.R. § 204.5(h)(3)(v). *Matter of Chawathe*, 25 I&N Dec. at 376. Accordingly, the Petitioner does not meet this criterion.

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

The Petitioner contends he has made original contributions in the field of performing arts, with a specific emphasis on Armenian folk and classical singing. The submitted evidence includes letters from other musicians, cultural representatives, directors, composers, and professors, awards,



performance playbills, and articles about his performances which we have previously addressed and incorporate here from our analysis of other criterion.

The Director discussed the letters in the denial and emphasized that while the authors described the Petitioner's work for [redacted] other ensembles, and his ability to sing folk and classical songs in unique ways, they lacked specificity as to how the Petitioner's work has impacted the field or how his techniques have been widely used or accepted within the field. For instance, one writer notes that [redacted] [redacted] the regional music school where the Petitioner studied music years ago - utilizes his musical recordings because his "improvisations and additional styles and genres in singing Armenian folk, classical and traditional songs [are] critical for [students] to understand the potential of the singer's voice and the song's performance for the audience. . . ." The Director recognized the Petitioner's professional accomplishments, but ultimately determined that the testimonial evidence did not establish that he meets this criterion.

On appeal, the Petitioner contests the Director's determination and reiterates that the testimonials from experts in his field demonstrate that his work is original and that he has made contributions of major significance to his field of endeavor. The Petitioner asserts the previously submitted letters show that he "has made major significant contributions to the preservation and development of Armenian art and music to be able to sing Armenian traditional and classical songs in a unique style only attributed to him," and that he has been an "extraordinary singer to many schools of music in Armenia and around the world."

To satisfy this criterion, the Petitioner must establish that he has not only made original contributions, but that they have been of major significance in the performing arts field. Major significance in the field may be shown through evidence that his original methods or processes 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. The documents in the record primarily contain attestations of the Petitioner's status in the field without providing specific examples of how his contributions rise to a level consistent with major significance.

For instance, according to the letter from [redacted] (who was educated at [redacted] and has been employed there as a teacher), the Petitioner "*has made contributions of major significance* to the preservation of the Armenian traditional songs and music by giving them new breadth and style to be followed by further Armenian great singers." (Emphasis added.) Likewise, [redacted] director of the Armenian [redacted] indicates that the Petitioner has performed with his orchestra many times, and asserts that the singers [including the Petitioner] who participated in a concert dedicated to the [redacted] anniversary of a composer "were in the top 1% of all singers in Armenia." He contends that the Petitioner "not only preserves the traditions of the school of the Armenian traditional and folk music, but also prepares future singers with the utmost responsibilities."

While the letter writers expound on the Petitioner's stage presence and singing abilities, they do not discuss the specific traditional song preservation and vocal teaching efforts of major significance that the Petitioner has been engaged in, beyond performing such songs in concerts. Without more, letters that repeat the regulatory language but do not explain how an individual's contributions have already influenced the field significantly are insufficient to satisfy this criterion. *Kazarian v. USCIS*, 580 F.3d 1030, 1036 (9th Cir. 2009), *aff'd in part*, 596 F.3d 1115. Moreover, we need not accept letters which

offer primarily conclusory statements. *See 1756, Inc. v. U.S. Att’y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications). For these reasons, the Petitioner does not meet this criterion.

### III. CONCLUSION

Because 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 at 8 C.F.R. § 204.5(h)(3), we need not provide the type of final merits determination described in *Kazarian*, 596 F.3d at 1119-20. Accordingly, we reserve this issue. *See INS v. Bagamasbad*, 429 U.S. at 25-26 (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach); *see also L-A-C-*, 26 I&N Dec. at 516, n.7 (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

Nevertheless, we advise that we have reviewed the record in the aggregate, determining that it does not support a conclusion 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. U.S. Citizenship and Immigration Services 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 submitted documentation of his professional achievements but has not demonstrated that these achievements have translated into a level of recognition that constitutes sustained national or international acclaim or demonstrates 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. Furthermore, the record does not otherwise demonstrate that the Petitioner is one of the small percentage who has risen to the very top of the field of endeavor. Section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

The appeal will be dismissed for the above stated reasons.

**ORDER:** The appeal is dismissed.