U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 34835263

Date: FEB. 3, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a biomedical researcher, seeks to classify herself as an individual of extraordinary ability in the sciences. *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 record does not establish the Petitioner received a one-time achievement of a major, internationally recognized award. The Director further concluded that the record does not satisfy, in the alternative, at least three of the 10 initial evidentiary criteria. The matter is now before us on appeal pursuant to 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 sustained acclaim and the recognition of their 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 they must provide sufficient qualifying documentation that meets at least three of the 10 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 stated in support of her Form I-140, Immigrant Petition for Alien Workers, that she plans to "continue my research in the field of biomedicine, particularly cell biology and biomedical engineering for the universities in the United States."

As noted above, the Director concluded the record does not establish the Petitioner received a one-time achievement of a major, internationally recognized award. The Director further determined that the record does not satisfy, in the alternative, at least three of the 10 criteria listed at 8 C.F.R. §§ 204.5(h)(3)(i)-(x). Specifically, the Director determined that the record satisfies the criteria at 8 C.F.R. §§ 204.5(h)(3)(iv) and (vi). However, the Director also concluded that the record does not satisfy the criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(iii), (v), and (viii). On appeal, the Petitioner reasserts that, in addition to satisfying the criteria at 8 C.F.R. §§ 204.5(h)(3)(iv) and (vi), the record satisfies the criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(iii), (v), and (viii). The Petitioner does not assert on appeal that the record satisfies the criteria at 8 C.F.R. §§ 204.5(h)(3)(vii), (ix)-(x), thereby waiving these criteria. *See, e.g., Matter of M-A-S-*, 24 I&N Dec. 762, 767 n.2 (BIA 2009) (citing *Greenlaw v. U.S.*, 554 U.S. 237 (2008) (upholding the party presentation rule)). The Petitioner does not overcome the Director's denial for the reasons discussed below.

> *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 Director acknowledged that the record establishes the Petitioner participated in "Grant Project: [redacted]" However, the Director explained, "research grants are not awards for excellence; rather, they simply fund research or work." The Director also acknowledged that the record establishes the Intellectual Property Agency of Armenia granted the Petitioner a particular patent. However, the Director observed that "patents do not meet the plain language requirements of this criterion," which contemplates "prizes or awards for excellence in the field of endeavor." *Id.* Moreover, the Director noted that, even if a research grant or a patent qualified as the type of prizes or awards for excellence contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(i), the record does not establish that either the grant or the patent "command a substantial level of recognition" that could

indicate the prizes or awards are nationally or internationally recognized. *See id.* Therefore, the Director concluded that the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(i).

On appeal, the Petitioner reasserts that "her Grant Project and her Patent are to be considered as awards under this criterion," and that "pages 2-7" of her response to the Director's prior request for evidence (RFE) elaborates on why they should be so considered. However, the Petitioner does not specifically identify a particular erroneous conclusion of fact or law in the Director's decision regarding the criterion at 8 C.F.R. § 204.5(h)(3)(i), beyond generally disagreeing with the Director's unfavorable conclusion. In turn, in the RFE response, the Petitioner provided generalized information regarding the grant project she references on appeal, and the grant selection process. However, she concedes that "the petitioner in this case did not receive an objective award with a certificate." Also in the RFE response, the Petitioner summarized the device she patented, although she does not elaborate on appeal how a patent qualifies as a prize or award for excellence in the field of endeavor.

We need not determine whether the grant that funded the project on which the Petitioner worked, "Grant Project: [redacted] qualifies as the type of prize or award for excellence contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(i) because, even if it did, the record does not establish that the grant was awarded to the Petitioner. On the contrary, the record contains a document that identifies itself as the "Final Project Technical Report" for that research project. The technical report identifies Dr [redacted] as the project manager and [redacted] as the director of the postgraduate research center that performed the research. Neither the technical report nor the remainder of the record establish that the grant for [redacted] was awarded to the Petitioner, rather than to the project manager or director identified in the technical report, or to the research center in general.[1] Because the record does not establish the grant was awarded to the Petitioner, it is not documentation of her receipt of a lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

In turn, the record does not establish how the patent, referenced by the Petitioner on appeal, qualifies as a lesser nationally or internationally recognized prize or award for excellence in the field of endeavor. The record contains a document written in a language other than English, and a certified English translation of that document, which identifies the Petitioner as one of three individuals, along with one organization, who appear to hold a particular patent designated by the Intellectual Property Agency of the Republic of Armenia, announced in an "Official Bulletin" dated [redacted] 2014. Black's Law Dictionary defines "patent" as "[t]he governmental grant of a right, privilege, or authority." *Patent*, Black's Law Dictionary (12th ed. 2024). The Petitioner has not established that that the patent was granted for excellence in the field of endeavor, as contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(i); rather, it was granted to establish an intellectual property right for an invention. Therefore, the record does not establish how the patent in question may qualify as documentation of the type of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor, as contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(i).

[1] We acknowledge, however, that the Final Project Technical Report identifies the Petitioner as a co-presenter of one of the research group's "presentations at conferences and meetings with abstracts." The report also identifies an individual whose last name and the first initial of the first name matches those of the Petitioner as a co-author of one of the research group's "published papers and reports with abstracts." However, the report does not elaborate on the extent of the Petitioner's involvement in the research group's work and, thus, bears little probative value for determining whether the grant may be construed as a team award that may be applied to her.

Because the record does not establish the Petitioner received a lesser nationally or internationally recognized prize or award for excellence in the field of endeavor, it does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(i).

> *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 Director acknowledged that the Petitioner holds a title of academic advisor. However, the Director observed that "the fact that the [P]etitioner was selected as an academic advisor does not indicate any type of membership in an association and does not meet the plain language requirements of this criterion." The Director further noted, "Memberships whose requirements are based on employment or an activity in a given field, a fixed minimum of education or experience, standardized test scores, grade point average, recommendations or the payment of dues are not outstanding achievements." Based on those issues, the Director concluded the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

On appeal, the Petitioner reasserts that her "membership as a faculty member of the [redacted] as a member of the Certification Committee at the Department of Microelectronics and Biomedical Devices of the [redacted][, her] membership at the internationally known UNESCO Chair in Life Sciences International Postgraduate Education Center as a senior researcher," and her role as "Academic Advisor of the Engineering Academy of Armenia" satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

The record establishes that the [redacted] employed the Petitioner during the relevant period; however, the criterion at 8 C.F.R. § 204.5(h)(3)(ii) contemplates memberships in associations in the field for which classification sought, not employment by entities in the field for which classification is sought. Therefore, the Petitioner's employment by the [redacted] and her work as an [redacted] faculty member on any particular committee at that university pursuant to her employment there—is inapposite to this criterion.

In response to the Director's RFE, the Petitioner asserted that she was a "Senior Researcher, and a member of a group of extraordinary team of nationally renowned scientists, at the UNESCO Chair in Life Sciences Postgraduate International Center, in Yerevan, Armenia from 2009 to 2018 [sic]." The Petitioner further stated in her RFE response, "In 1996 the Biophysics Center of Armenian NAS (National Academy of Sciences) was awarded the status of UNESCO Chair in Life Sciences by UNESCO Director General Mr. Federico Mayor and was reorganized into Life Sciences International Postgraduate Center." However, the record does not establish the process or criteria for the Petitioner's selection for the role of senior researcher at the UNESCO Chair in Life Sciences Postgraduate International Center. Therefore, the record does not establish how her position as senior researcher at the Center may qualify as the type of 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, contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(ii), even to the extent that the Center may qualify as the type of association contemplated by the criterion.

In turn, the record contains a document written partially in English and partially in a language other than English, asserting that the "Engineering Academy of Armenia has elected [the Petitioner] Academic Advisor." The document does not clarify when the Engineering Academy of Armenia elected the Petitioner to be an academic advisor, although we note that it indicates, without context, "Protocol No 2 07.10.2022." The record contains further documentation of the International Academy of Engineering, which identifies the Engineering Academy of Armenia, along with similar engineering academies, prefaced by the list title "Full and corresponding members." The International Academy of Engineering further describes criteria for the "status of full member, or corresponding member," although the document does not clarify whether members of the International Academy are individuals, entities like the Engineering Academy of Armenia, or the individual members of the listed entities. On appeal, the Petitioner further summarizes information from the Engineering Academy of Armenia regarding the "status of a Foreign and Honorary Member – Advisor, Associate Fellow/Member or Titular Member." However, we note that the document denoting the Petitioner's election as academic advisor is silent on terms like "Foreign and Honorary Member," "Associate Fellow/Member or Titular Member." Therefore, the Petitioner's summary of terms like "Foreign and Honorary Member" and "Associate Fellow/Member or Titular Member" does not clarify whether the Engineering Academy of Armenia requires outstanding achievements of its academic advisors—the role for which it elected the Petitioner—and whether recognized national or international experts in their disciplines or fields judge prospective academic advisors for membership, as contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

Without more probative and informative evidence, the record does not establish that the Engineering Academy of Armenia qualifies as the type of association contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(ii) and that the Petitioner's election as academic advisor qualifies as the type of membership in an association in the field for which classification is sought, which requires outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.

Based on the foregoing, the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

> *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 acknowledged that the record contains various publications not authored by the Petitioner. However, the Director observed that the relevant "material only cites the [Petitioner's] work. There is no discussion of the [P]etitioner." The Director explained, "It is insufficient that materials merely cite the [Petitioner's] work; they must be "about" the [Petitioner]." Therefore, the Director concluded that the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(iii).

On appeal, the Petitioner reasserts that "the article titled [redacted] printed in the prestigious 2022 Reviews on Environmental Health Journal," satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(iii) because it "clearly discusses the work of the [Petitioner] and that her work is authoritative."

The record does not establish how the 2022 research article published in Reviews on Environmental Health Journal is the type of published material about the Petitioner, as contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(iii). The 10-page research article mentions the Petitioner's last name one time, in the context of the first named author of a particular research study that provides one of several possible "mechanisms." Only two sentences in the 10-page literature review address the Petitioner's research study, and one of those two sentences equivocates on how explanatory the Petitioner's research may be for the phenomenon in question, before immediately moving on to discuss another "highly plausible" mechanism. This contradicts the Petitioner's characterization that the research article deems "her work is authoritative." Moreover, the citation to the Petitioner's research is one of 75 citations throughout the entire 2022 research article. Although published material that covers a broad topic but includes a "substantial discussion" of an individual's work in the field and mentions the individual in connection to the work may be considered material about the individual relating to the individual's work, those two sentences in the 10-page literature review and its inclusion of the Petitioner's research among 75 citations does not amount to a substantial discussion of the Petitioner's work. *See* 6 USCIS Policy Manual F.2(B)(1), https://www.uscis.gov/policy-manual.

More to the point, the 2022 journal article is not "about the [Petitioner]," as contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(iii). Rather, it is an article about its author's own research, indicating in passing that he read, understood, and considered the Petitioner's research—among many other individuals' research. Because the 2022 journal article is not about the Petitioner, it does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(iii).

> *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 Director acknowledged that the record establishes the Petitioner holds a patent. However, the Director observed that, although a patent "may support that the [P]etitioner's contribution is original," [t]he issuance of a patent, by itself, does not verify the significance of the innovation patented because the patent's significance is not evaluated during the [patent] application process." The Director noted, "There is no evidence that the patent has been licensed and/or resulted in significant commercial sales, or had an impact on researchers or individuals in the field." Likewise, the Director acknowledged that the record establishes the Petitioner has published scholarly articles; however, "the [P]etitioner did not submit evidence to demonstrate that the amount of citations [to the Petitioner's articles] is indicative of major significance to the field." The Director also acknowledged that the record contains letters of recommendation; however, the Director observed that "the letters fail to demonstrate how the [Petitioner's] research findings and results have been of major significance in the field." Based on those issues, the Director concluded the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(v).

On appeal, the Petitioner reasserts that the patent, addressed above, and the fact that her "work is cited in more than 40 articles" are evidence of her original contributions "of major significance in the field of biomedicine."

Although evidence that an individual's work has been patented may potentially demonstrate the work's originality, it will not necessarily establish that the work is of major significance to the field, without more. *See* 6 USCIS Policy Manual F.2(B)(1), *supra*. In relevant part, evidence that may

establish major significance to the field may include, for example, evidence that the individual developed a patented technology that has attracted significant attention or commercialization. *See id.*

The Petitioner states that the "patent is licensed by the Armenian government," apparently disputing the Director's observation that the record does not establish whether "the patent has been licensed." The record does not establish that the Armenian government licensed from the Petitioner—or the other patent holders—the right to use the patent. Similarly, as the Director noted, the record does not establish that any other individual or entity has licensed from the Petitioner—or the other patent holders—the right to use the patent, which could indicate the extent to which the patent may have had significance in the field of biomedicine or biomedical research. Instead, the record indicates that, as a result of receiving the patent, the Petitioner and the other patent holders have prevented non-patent holders, licensees, clients, customers, etc., from using it. Therefore, without such evidence, the record does not establish how the patent in question may be evidence that the Petitioner's original contribution has attracted significant attention or commercialization that demonstrates major significance in the field of biomedicine or biomedical research, as contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(v).

The Petitioner references on appeal "evidence on pages 24-30 of the response to the RFE, which includes expert opinion letters" she describes as indicating the patent's "impact on researchers in the field." However, the opinion letters—both as quoted as excerpts in the Petitioner's RFE and in their entirety—do not establish how the Petitioner's patent or other research has attracted significant attention or commercialization that demonstrates major significance in the field of biomedicine or biomedical research.[2]

The opinion letters address potential uses of the patent. For example, the president of the [redacted] opines that the Petitioner's patent "will allow doctors and surgeons to detect cancer in its early stages and provide the most accurate and promising treatment and cure for their patients." As another example, the president of the [redacted] asserts that "[the Petitioner's] extensive research work led to her discovery of the electrical conductivity measurement device which could be used by many medical institutions in finding out the level of hydration in cells which will diagnose every stage of cancer and at the same time serve as a therapeutic device to provide early treatment options for patients and rise their prognosis for care." As another example, the head of the Radioisotope Laboratory in [redacted] states that the patent "will be used in deciding the prognosis or the level of carcinogenic cells in organisms' tissues" and that it "can be used in the laboratories for research purposes, in clinics for diagnosis and personal health control, and in forensic medicine for expertise." However, in contrast to opining on what the patent will allow or how it can be used in the future, the letters do not address what the patent has accomplished and how it has been used in the field of biomedicine or biomedical research between the time the patent was granted, apparently in 2014, and the time the Petitioner filed the Form I-140 in 2024. *See* 8 C.F.R. § 103.2(b)(1).

In turn, the opinion letters provide generalizations about how the Petitioner's research is used by others. For example, one letter opines that "[the Petitioner's] research and scientific publications are

[2] Although we quote only examples for brevity, we have reviewed the opinion letter in their entirety; however, the letters and passages excluded here for brevity are substantially similar to those quoted herein.

used at many universities and science institutions in the world and at international science conferences held by prestigious science agencies and societies," without specifying which universities, institutions, and conferences to which the author refers. Another letter states, "Her research and findings are cited in almost all scientific articles researching cell membranes and the receptors reaction to different medicine." As another example, an opinion letter asserts, "Her research is not only published and then cited in major international scientific journals, but also studied, cited and accepted by many university students and scientists with long-term research experience." However, the opinion letters' generalizations about the Petitioner's research lack both documentary evidence that may corroborate the authors' observations and opinions, and context.[3] For example, the record does not contain documentary evidence to establish that the Petitioner's research and findings "are cited in almost all scientific articles researching cell membranes and the receptors reaction to different medicine," nor does the record indicate how many other biomedical researchers' findings are cited in the relevant articles.[4] In turn, both the opinion letters' vague references to citations "in major international scientific journals," and the Petitioner's own assertion that her "work is cited in more than 40 articles" lack corroborating documentation and context, such as the number of citations other relevant research articles have received. Thus, the record does not establish whether being "cited in more than 40 articles" or in "almost all" of the relevant articles is high relative to others' work in the field or otherwise of major significance within context. *See* 6 USCIS Policy Manual F.2(B)(1).

Based on the issues addressed above, the record does not establish that the Petitioner's original contributions have been of major significance to the field and, thus, does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(v).

> *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 Director acknowledged that the record establishes the Petitioner's employment history. However, the Director observed, "The [P]etitioner has not submitted evidence detailing her service for the organization, her specific responsibilities, and her individual importance to its overall success." Therefore, the Director concluded that the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(viii).

On appeal, the Petitioner generally asserts, "Explanation and evidence in the record in response to the RFE pages 40-54, clearly shows the leading and critical roles taken for organizations who have distinguished reputations." In turn, the referenced passage from the Petitioner's RFE response brief asserts that her role for [redacted]; her receipt of the above-referenced patent; her role as an academic advisor elected by the Engineering Academy of Armenia; her position as faculty member of the [redacted] and as a member of the [redacted] Department of Microelectronics and Biomedical Devices Certification Committee; her role as senior researcher at the UNESCO Chair in Life Sciences International Postgraduate Educational Center in Yerevan, Armenia, constitute leading or critical roles

[3] Detailed letters from experts in the field explaining the nature and significance of an individual's contribution may provide context for evaluating whether an original contribution is of major significance to the field, particularly when the record includes documentation corroborating the claimed significance. *See* 6 USCIS Policy Manual F.2(B)(1). However, letters that provide opinions that are not corroborated by documentation bear reduced probative value. *See id.*

[4] *See id.*, noting that documentation that an individual's published research has been highly cited relative to others' work in a particular field may be probative of the significance of the individual's contributions to the field of endeavor.

for organizations or establishments that have a distinguished reputation. The RFE response brief also asserts that "Exhibit 19" establishes that the respective "organizations are not only recognized and distinguished on a national level, but they are also recognized and distinguished on an international level."

We first note that the record does not establish that the Petitioner has held a leading or critical role for the referenced organizations or establishments. As noted above, the technical report for [redacted] acknowledges that the Petitioner participated in the project; however, it identifies other individuals in leading or critical roles such as project manager and director, rather than identifying the Petitioner in a leading or critical role. Next, although the "Official Bulletin" of the Intellectual Property Agency of the Republic of Armenia listed the Petitioner's name among other individuals and an entity, apparently granted the referenced patent, the "Official Bulletin" does not distinguish the Petitioner's role from the other named individuals, nor does it establish how such a role may have been leading or critical, beyond generally participatory. In turn, the record does not establish how the Petitioner's elected academic advisor role in connection to the Engineering Academy of Armenia is leading or critical to the Academy. Next, although the [redacted] employs the Petitioner as a faculty member, the record does not establish how the Petitioner's faculty member position is leading or critical to the [redacted] likewise, the record does not establish how her generalized membership in the [redacted] Department of Microelectronics and Biomedical Devices Certification Committee is leading or critical, as distinguishable from other committee members. Finally, although the Petitioner's former role as "senior researcher" at the UNESCO Chair in Life Sciences International Postgraduate Educational Center in Yerevan, Armenia, denotes a level of seniority, the record does not elaborate on what the Petitioner's specific duties as "senior researcher" were, and how her role was leading or critical to that organization or establishment.

We acknowledge that the Petitioner specifically asserts on appeal that her role as elected academic advisor for the Engineering Academy of Armenia, discussed above, is a leading or critical role, by quoting the following passage from the Academy's charter: "In order to widely involve the engineering community in the activities of the Academy, the title of Academic Advisor has been established, which is awarded to scientists and engineers appointed from the divisions and Titular Members of the Academy by the decision of the Presidium of the Academy." However, the language the Petitioner specifically quotes on appeal does not address the Petitioner, elaborate on her specific role as academic advisor, or clarify how such a role is leading or critical to the Engineering Academy of Armenia.

Further, even if the record established that the Petitioner held a leading or critical role at any particular organization or establishment, it does not establish that the organizations or establishments have a distinguished reputation. Relevant factors for evaluating the reputation of an organization or establishment may include, for example, the relative size or longevity of the organization or establishment, or the department or division for which the individual holds or held a leading or critical role; the scale of the organization or establishment's customer base; relevant media coverage; national rankings of academic institutions or departments; and whether an academic institution or department has received government research grants. *See* 6 USCIS Policy Manual F.2(B)(1). "Exhibit 19" of the

Petitioner's RFE response provides generalized, self-promotional information from the UNESCO[5] Chair in Life Sciences International Postgraduate Educational Center and the [redacted] and vague information regarding the Engineering Academy of Armenia repeated throughout the record. However, neither those documents nor the totality of the record provide objective information that may establish how those—or any other—organizations have a distinguished reputation, as opposed to being among other, similar organizations. For example, the record does not provide credible national rankings for particular organizations or departments therein, and context that would demonstrate that such rankings did not arise merely by default as being one of the few organizations or departments of their kind in Armenia. *See id.* As noted above, the Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375-76.

In summation, the record, considered in its entirety, does not establish that the Petitioner has performed in a leading or critical role for organizations or establishments that have a distinguished reputation; therefore, it does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(viii).

III. CONCLUSION

The Petitioner has not established she received a one-time achievement or, in the alternative, evidence that meets at least three of the 10 criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x). As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. *See INS v. Bagamasbad*, 429 U.S. at 25; *see also Matter of L-A-C-*, 26 I&N Dec. at 526 n.7. Nevertheless, we have reviewed the record in the aggregate, concluding that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought.

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 that 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; *see also* 8 C.F.R. § 204.5(h)(2).

ORDER: The appeal is dismissed.

[5] We note that while UNESCO, in general, may bear a distinguished reputation, the record does not establish how the UNESCO Chair in Life Sciences International Postgraduate Educational Center in Yerevan, Armenia, in particular, bears a distinguished reputation.