U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37014118

Date: MAR. 19, 2025

Appeal of Texas Service Center Decision

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

The Petitioner seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability in the sciences, arts, education, business, or athletics through sustained national or international acclaim, and whose achievements have been recognized in their field through extensive documentation. Section 203(b)(1)(A)(i) of the Act.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner is the recipient of a major, internationally recognized award, nor did he meet at least three of the ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit 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

To qualify as an alien with extraordinary ability, a petitioner must:

- Have "extraordinary ability in the sciences, arts, education, business, or athletics," which has been demonstrated by sustained national or international acclaim;
- Seek to continue work in their field of expertise in the United States; and
- Through their work, substantially benefit the country prospectively.

Section 203(b)(1)(A)(i)-(iii) of the Act. The term "extraordinary ability" means expertise commensurate with 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 of the evidence to determine whether a petitioner has sustained national or international acclaim and whether their achievements have been recognized in the field. First, a petitioner can provide evidence of either "a major, international recognized award," or satisfaction of at least three of ten lesser evidentiary criteria at 8 C.F.R. § 204.5(h)(3).[1] Then, if a petitioner meets the initial evidence requirements, USCIS must conduct a final merits determination to assess whether the record—as a whole—shows a petitioner's sustained national or international acclaim and demonstrates that the petitioner is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115, 1121 (9th Cir. 2010) (discussing a two-step 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); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

The Petitioner claims extraordinary ability as an executive/manager in the architectural project design field. The record reflects that the Petitioner obtained a bachelor of architecture from [redacted] in Turkey. He is the founder and executive manager of a full-service architect, design, and project management company, and states that he intends to continue to work in this role in the United States.

Because the Petitioner did not indicate or establish that he has a 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). Before the Director, the Petitioner claimed to meet six of the ten evidentiary criteria:

- (i) receipt of lesser nationally or internationally recognized awards for excellence in the field;
- (ii) membership in associations which require outstanding achievements of their members;
- (iii) published material in major trade publications or other major media;
- (v) original business-related contributions of major significance to the field;
- (vii) display of work in the field at artistic exhibitions or showcases; and
- (viii) leading or critical role for organizations that have a distinguished reputation.

The Director determined that the Petitioner only satisfied the criteria relating to serving in a leading or critical role for an organization with a distinguished reputation. On appeal, the Petitioner continues to assert satisfaction of the remaining five criteria claimed, and asserts the Director erred in their evaluation of the evidence and misapplied the plain language of the regulatory criteria.

Upon de novo review, we agree with the Director's ultimate conclusion that the record does not establish the Petitioner is an alien of extraordinary ability. And, for the reasons below, we also

[1] If an evidentiary criterion does not "readily apply" to a petitioner's occupation, they may submit "comparable evidence" to establish eligibility. 8 C.F.R. § 204.5(h)(4).

withdraw their conclusion that the Petitioner meets the criteria at 8 C.F.R. § 204.5(h)(3)(viii) relating to serving in a leading or critical role for organizations that have a distinguished reputation.[2]

> *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 plain language of this criterion requires a petitioner to establish: (1) they are the recipient of the prizes or awards; (2) those accolades are nationally or internationally recognized; and (3) the prize or award is one for excellence in the field of endeavor.

The Petitioner submitted evidence relating to multiple awards given to for projects he claims to have designed or managed. In addition, he also submitted evidence showing that his former employer, won first place in multiple planning and design competitions in along with letters from representatives of discussing the Petitioner's work.

Upon review, the Director concluded that the Petitioner did not satisfy the plain language of the regulation because he did not establish that he was the recipient of the awards. Rather, the evidence showed that the awards were conferred to third parties, and appeared to be regional awards, rather than national or international. On appeal, the Petitioner asserts that the Director misinterpreted the regulation and failed to properly evaluate the evidence submitted, including the expert opinion letter which he claims corroborates both his role in the receipt of these awards, and the recognition of these awards as national awards. Specifically, he asserts that the regulation does not require that a qualifying award be conferred solely upon the individual, and that the "key consideration should be whether [his] contributions to the award-winning project or organization were significant and integral to the recognition received." We disagree.

While we acknowledge that the regulation does not require the award to be conferred *solely* to a petitioner, the Petitioner does not provide any support for interpreting the plain language of the regulation, which requires "*the alien*'s receipt" of the award to be satisfied by showing only their contributions to a third party's receipt of the award. USCIS policy allows for consideration of team awards or prizes where each team member (including a petitioner) receives an award or is named in the award selection. This is contrasted specifically with awards that are granted to third-party organizations, like employers, which would generally not satisfy the plain language of the regulation.[3]

Moreover, the Petitioner has not shown that his work on these projects was "significant and integral to the recognition received." For example, the Petitioner relies on the awards granted to to satisfy this criterion, but the record does not contain corroborating evidence from the organization detailing his role in these projects.

[2] The record does not otherwise establish the Petitioner meets two additional the regulatory criteria, and therefore issuing a request for evidence or notice of intent to deny allowing the Petitioner to supplement the record to address this criterion would serve no legal purpose.

[3] *See generally,* 6 *USCIS Policy Manual, supra,* at F.2(B)(1).

And the record contains inconsistencies relating to the Petitioner's work with [redacted]. The Petitioner relies on [redacted] 2022 [redacted] Award for best renovation/restoration for the [redacted] project. Yet, the letter from the design director for [redacted] states that the studio collaborated with the Petitioner on the [redacted] and the [redacted] it does not indicate that the Petitioner was involved with the [redacted] The Petitioner must resolve this inconsistency 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).

Accordingly, we agree that the Petitioner has not shown that he satisfies the plain language of this criterion.

> *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.* 8 C.F.R. § 204.5(h)(3)(ii).

This criterion requires the Petitioner to establish that membership in the association requires outstanding achievements in the field for which classification is sought, as judged by recognized or international experts. Accordingly, membership in an association based solely on a level of education or experience in the field; payment of a fee or subscription; and / or employment in certain occupations is generally not sufficient to meet this requirement.[4]

The Petitioner claims satisfaction of this criterion based on his membership with the American Institute of Architects (AIA). Upon review, we conclude that the Petitioner has not shown that this association requires "outstanding achievements of their members," and accordingly has not met the plain language of this criterion.

The record contains the Petitioner's membership confirmation letter, along with a document defining AIA's membership designations, AIA's bylaws, and printouts from AIA's website providing a background of the association, as well as an expert opinion letter, which discusses the Petitioner's membership status with AIA. The Director concluded that the evidence did not indicate that the association required outstanding achievements of its members, and accordingly the Petitioner did not meet this criterion.

On appeal, the Petitioner claims that the Director erred in their evaluation of this criterion because the regulation does not require an association's bylaws to explicitly state that membership requires outstanding achievements of their members. Instead, the Petitioner avers that the Director should have considered the bylaws along with the expert opinion letter, which he asserts establishes that the AIA's "overall membership process reflects a standard of excellence as assessed by recognized experts." The Petitioner also reiterates their claims that the AIA is a globally recognized professional organization that "requires [its members to have] demonstrated professional excellence and significant contributions to the field or architecture." While we agree that the plain language of the criterion does not mandate that an association's bylaws explicitly include the requirement of outstanding

[4] *See generally*, 6 *USCIS Policy Manual, supra,* at F.2(B)(1).

achievements of their members, it is the Petitioner's burden to establish they meet the plain language of the criterion with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. Here, the Petitioner has not met that burden.

According to his AIA [redacted] welcome letter, the Petition is a member of AIA with the designation of Associate AIA.[5] According to AIA's bylaws, individuals seeking associate membership "*shall* be eligible" for membership" if they meet *any* of the following criteria: 1) "eligible by education or experience and are employed, enrolled or participating in circumstances recognized by licensing authorities as constituting credit toward architectural licensure"; 2) "employed under the supervision of an architect in a professional or technical capacity directly related to the practice of architecture"; 3) "have a professional degree in architecture"; or 4) "are faculty members in university programs in architecture and who are actively involved in research, administration or the teaching of architecture." Additionally, the bylaws indicate that individuals are eligible for "international associate membership" if they "have an architectural license or the equivalent from a non-U.S. licensing authority and demonstrate honorable standing in the profession in the locale in which they are licensed." The bylaws do not indicate any additional requirements for membership.

On appeal, the Petitioner continues to rely on the expert opinion letter to support his claim that the association requires outstanding achievements of its members. Specifically, the expert states that AIA membership is "ruled by strict guidelines that ensure only individuals who have shown outstanding achievements in their field are admitted." Yet, neither the expert nor the Petitioner have provided an explanation as to what these additional guidelines entail, or otherwise provided corroborating evidence to support these assertions, which are directly contradicted by AIA's bylaws. USCIS may, in its discretion, use as advisory opinions statements from universities, professional organizations, or other sources submitted in evidence as expert testimony. *Matter of Caron Int'l*, 19 I&N Dec. 791, 795 (Comm'r. 1988). However, USCIS is ultimately responsible for making the final determination regarding a noncitizen's eligibility and may reject or give lesser evidentiary weight to expert testimony that contradicts other information or "is in any way questionable." *Id.*

Without more, we cannot conclude that the Petitioner has met this criterion.

> *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.* 8 C.F.R. § 204.5(h)(3)(iii).

To satisfy this criterion, the Petitioner must first demonstrate the published material was about him and his specific work in the field for which classification is sought.[6] Articles that are not about a petitioner, including published material about a petitioner's employer and the employer's work, or about another organization and that organization's work do not satisfy the plain language of this criterion. *See Noroozi v. Napolitano*, 905 F.Supp.2d 535 (2012) (articles about the Iranian Table Tennis Team which only briefly mentioned the person were not about him); *Negro-Plumpe v. Okin*, 2008 WL 106997512 (D. Nevada 2008)(articles focusing on a character played by the person or the show he performed in were not about the person); *see also* 6 *USCIS Policy Manual*, *supra*, at

[5] Throughout the record, the Petitioner claims membership in AIA as an "International Associate," yet the evidence in the record only identifies his membership as "Assoc. AIA." Nonetheless neither designation satisfies the regulatory criterion.
[6] *See generally*, 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

F.2(B)(1). We may, however, consider published material that primarily focuses on work being undertaken by a team provided that the material mentions a petitioner in connection with the work, or other evidence in the record establishes the person's significant role in the work.[7]

If a petitioner has shown that the published material is about them and their work, we will then determine whether the publication qualifies as a professional or major trade publication, or other major media. When evaluating whether a publication is a profession or major trade publication relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media).[8]

The Petitioner claimed eligibility for this criterion based on the submission of nine articles printed in online and print publications. In their request for evidence (RFE), the Director informed the Petitioner that he did not establish the material appeared in professional or major trade publications or other major media, and the Director concluded that seven of the nine articles submitted were not about the Petitioner but rather were related to work completed by organizations. In response, the Petitioner asserted that the articles in the record "not only feature [his] name, but also include their presence in media coverage," and provided additional evidence relating to the circulation of some of the publications. The Director nonetheless determined that the Petitioner did not establish eligibility under this criterion.

We agree that the submitted articles do not satisfy the plain language of the criterion. First, the Petitioner's submission of articles published on [redacted] do not contain the author of the material as required by the regulation, and therefore we will not consider these articles. *See* 8 C.F.R. § 204.5(h)(3)(iii). Moreover, the Petitioner has not shown that the following articles are about him or his work: [redacted] published on [redacted] and [redacted] published by the [redacted]. None of these articles name the Petitioner, and he has not provided evidence to corroborate his assertions that these articles discuss projects of which he had a "significant role." We acknowledge the Petitioner's claim on appeal that the articles "clearly highlight the work and contributions of the [Petitioner] as a leading architect," but this is not supported by the record. The Petitioner cannot rely on conclusory statements to satisfy their burden. *See e.g., 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). Because the Petitioner has not shown that these articles are about him and his work, we need not determine whether they appeared in "professional or major trade publications or other major media" as contemplated by the regulation.

While the remaining two articles may address the Petitioner or his work, the Petitioner has not submitted evidence establishing that these articles appeared in professional or major trade publications or other major media. The Petitioner relies on an article published on the [redacted] online website and print publication, which he claims is a major newspaper publication in Turkey. This article entitled [redacted] discusses the Petitioner and his plans to develop affordable housing in the United States, but the record does not contain evidence regarding

[7] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).
[8] *Id.*

[redacted] circulation or other evidence to establish it constitutes "major media" as required. Similarly, we acknowledge the Petitioner's submission of an article discussing one of his projects published by the [redacted], along with an undated printout from [redacted] "about us" webpage, which states that the website has more than 1 million monthly active user visits; however, unsupported assertions regarding a publication's stature or ranking are insufficient to show that a medium qualifies under this criterion. *See Braga v. Poulos*, No. CV 06 5105 SJO (C. D. CA July 6, 2007) *aff'd* 2009 WL 604888 (9th Cir. 2009) (concluding that self-serving assertions on the cover of a magazine as to the magazine's status is not reliable evidence that it is a major medium). And the Petitioner has not provided comparative evidence to establish that 1 million monthly active user visits is indicative of "major media."

Accordingly, the Petitioner has not submitted published material about himself in professional or major trade publications or other major media, relating to his work in the field. We therefore agree with the Director that the Petitioner has not satisfied this criterion.

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

The plain language of this criterion requires a petitioner to establish that not only has he made original contributions in their field, but that they have been of major significance. For example, they may show that their 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. *See Visinscaia*, 4 F. Supp. 3d at 134-35.

The Petitioner claimed to have made several original business-related contributions of major significance to the field of architectural project design through the design and development of several of his projects. In support, he submitted articles discussing architectural projects on which he claimed to have worked, including the [redacted] German; [redacted] Florida[9]; and the [redacted] Florida. In addition, he submitted four letters of recommendation from past employers and clients discussing his work on designing and consulting on architectural projects.[10]

The Director concluded that the Petitioner did not sufficiently establish that he made original contributions to his field, nor had he shown that any contributions were of significant importance. On appeal, the Petitioner disagrees with the Director's conclusions, asserting that the Director did not properly consider the evidence in the record, including the expert opinion letter. We have reviewed the letters along with the expert opinion letters and agree that the record does not establish the Petitioner made original contributions of "major significance" to the field.

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[9] As previously noted, beyond his own assertions, the Petitioner has not provided evidence corroborating his work on the [redacted] which was developed by [redacted]

[10] On appeal and in his response to the Director's RFE, the Petitioner also references letters from representatives of [redacted] which he claims were submitted with his initial filing; however, these letters do not appear in the record, nor are they listed the index of exhibits accompanying his initial filing. Moreover, he does not elaborate on the contents of these letters he claims to have submitted.

On appeal, the Petitioner reiterates that the letter from A-W- establishes that his work on the design of a residential area as "a prime example of an original contribution that has had a significant impact." We disagree. In the letter from A-W-, he compliments the Petitioner design of a "master plan for [redacted]" asserting that the Petitioner "had a clear idea of how to connect the natural landscape, as well as provide low-income families with modern houses and create a desirable place for them to live," adding that their "project was a vivid example of safe social coexistence." While A-W- commends the Petitioner's work which led to the company winning first place in a design competition, he does not explain how this resulted in a contribution of major significance to the field. For example, he did not explain whether this design was implemented or otherwise used in the industry. Moreover, while A-W- commends the Petitioner's work on the development of the [redacted], including his development of a "suitable versatile, and attractive lighting concept for the [redacted], which intelligently and impressively uses the architectural potential of the stadium," he again does not elaborate on how this was an original contribution of major significance, beyond the company's successful completion of this project. *See Amin v. Mayorkas*, 24 F.4th 383, 393-394 (5th Cir. 2022) (finding that contributions which were not adopted beyond a petitioner's employer do not meet this criterion).

Similarly, the Petitioner relies on a letter from the founder of [redacted] which praises the Petitioner's work on two development projects that provide a combined total of 325 "micro-units" which allow for affordable housing options for low-income renters. Specifically, M-G-N- states that the Petitioner "made key contributions to [the projects]," which they claim "are not only affordable and meaningful, but also models for how to do affordable housing more effectively, less expensive, and quicker." While M-G-N- explains that these developments *could* serve as models, they do not establish how the Petitioner's work on these projects constitute contributions of major significance to the field, or whether they have been used for models for affordable housing projects.

Although the record establishes that his colleagues and others in the field hold the Petitioner's work in high regard, they do not establish the Petitioner has made original contribution of major significance in his field. Accordingly, he has not established he meets this criterion.

> *Evidence of the display of the alien's work in the field at artistic exhibitions or showcases.* 8 C.F.R. § 204.5(h)(3)(vii).

To satisfy this criterion, a petitioner must first establish that the displayed material constitutes their work product, and that the work was displayed at an artistic exhibition or showcase. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B). The modifier of "artistic" in the regulatory language means that to satisfy this criterion, a petitioner must establish that the exhibitions or showcases which displayed his work were artistic in nature. *Id.*

To satisfy this criterion, the Petitioner submitted articles discussing two public exhibitions, [redacted] along with two recommendation letters from architects in the field who claim to have collaborated with the Petitioner to design and display work at these exhibitions. In addition, he submitted an expert opinion letter discussing his work designing exhibitions he claims to have displayed at these exhibitions.

The Director concluded that the Petitioner did not satisfy this criterion because the evidence in the record indicated that [redacted] was a trade fair, rather than an artistic exhibition or showcase, and that he had not provided objective evidence to corroborate his claim that he displayed work at [redacted] On appeal, the Petitioner asserts that USCIS policy does not impose a mandate to provide certain forms of evidence to establish this criterion, and satisfaction of this criterion should be based on whether the evidence, considered in its totality, establishes the Petitioner's work was displayed. And he claims that, contrary to the Director's conclusion, the articles and letters in the record serve as "independent, objective evidence" to establish that the Petitioner's work was in fact displayed at these events. We disagree.

Upon de novo review, we conclude that the Petitioner has not shown, by a preponderance of the evidence, that he did display his work at these exhibitions, and accordingly has not satisfied this criterion. Contrary to the Petitioner's assertions that "[t]he article explicitly discusses the display of architectural models, including those designed by [the Petitioner]," they do not establish that he displayed his work at these events, only that the events took place. And, we have reviewed the letters of recommendation discussing the Petitioner's work on designing displays at these events, but the Petitioner has not provided evidence to corroborate these assertions. Moreover, while the articles discuss the work of other designers and participants in these events, they do not indicate that the Petitioner or any of the authors of the letters participated in these events.

Without more, we cannot conclude the Petitioner has satisfied 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 order to meet this criterion, the Petitioner must establish that he not only played a leading or critical role, but also that the organization or establishment for which he played that role is recognized as having a distinguished reputation. Organizations or establishments that enjoy a distinguished reputation are "marked by eminence, distinction, or excellence." *See generally 6 USCIS Policy Manual*, *supra*, B.1 (citing to the definition of *distinguished*, *Merriam-Webster*, https://www.merriamwebster.com/ dictionary/distinguished).

The Director concluded that the Petitioner satisfied this criterion based on his work with [redacted] We disagree and withdraw the Director's determination to the contrary, as the evidence does not establish the organization's distinguished reputation.

To establish eligibility for this criterion the Petitioner relies on two websites discussing [redacted] and a letter from the founder of the company to corroborate his claims that the organization has a distinguished reputation; however, this evidence is insufficient. The letter from the company's founder discusses the founder's extensive experience in the field and the Petitioner's work, but it does not establish the company's distinguished reputation. Moreover, while the Petitioner submitted two website printouts discussing [redacted] asserting that they are from "independent sites for evaluating the activities of the organization," neither of the website printouts elaborate on the reputation of the company, or otherwise establish its distinguished reputation. Rather, they simply provide an overview of the company's history and projects, without expressing an opinion of the company or otherwise ranking the company. Moreover, the Petitioner has not submitted evidence to

indicate that these websites only feature organizations with a distinguished reputation. Accordingly, the evidence does not sufficiently demonstrate that the company is marked by eminence, distinction, or excellence.

Without more, we cannot conclude that the Petitioner meets this criterion and withdraw the Director's determination.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement of a "major, international recognized award," or evidence that meets at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3). As a result, we do not need to provide the type of final merits determination discussed in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate and conclude that it does not demonstrate 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 that goal. *See Matter of Price*, 20 I&N Dec. at 954 (concluding that even major league level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Visinscaia*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design,"); *Hamal v. Dep't of Homeland Sec. (Hamal II)*, No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at * 1 (D.D.C. June 3, 2020) (citing *Kazarian*, 596 at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")).

Here, the Petitioner has not shown that the significance of his work is indicative of the required sustained national or international acclaim or that it is otherwise 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 they are one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) and 8 C.F.R. § 204.5(h)(2).

ORDER: The appeal is dismissed.