



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE: **JUN 30 2015**

FILE #: [Redacted]

PETITION RECEIPT #: [Redacted]

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:
[Redacted]

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition, which is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification as an alien of extraordinary ability in the field of business training and development (T&D), pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), which makes visas available to petitioners who can demonstrate their extraordinary ability 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 limits this classification to petitioners with extraordinary ability in the sciences, arts, education, business, or athletics. The director determined that the petitioner had not satisfied the initial evidence requirements set forth at 8 C.F.R. § 204.5(h)(3), which requires documentation of a one-time achievement or evidence that meets at least three of the ten regulatory criteria.

On appeal, the petitioner asserts that he meets the criteria under the regulations at 8 C.F.R. § 204.5(h)(3)(iv), (v), (vi) and (viii). For the reasons discussed below, we agree with the director that the petitioner has not established his eligibility for the exclusive classification sought. Specifically, the petitioner has not submitted qualifying evidence of a one-time achievement pursuant to 8 C.F.R. § 204.5(h)(3), or evidence that satisfies at least three of the ten regulatory criteria set forth in the regulations at 8 C.F.R. § 204.5(h)(3)(i)-(x). As such, the petitioner has not demonstrated that he is one of the small percentage who is at the very top in the field of endeavor, and that he has sustained national or international acclaim. *See* 8 C.F.R. § 204.5(h)(2), (3). Accordingly, we will dismiss the petitioner's appeal.

I. LAW

Section 203(b) of the Act states, in pertinent part, that:

(1) Priority workers. -- Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):

(A) Aliens with extraordinary ability. -- An alien is described in this subparagraph 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.

U.S. Citizenship and Immigration Services (USCIS) and legacy Immigration and Naturalization Service (INS) have consistently recognized that Congress intended to set a very high standard for individuals seeking immigrant visas as aliens of extraordinary ability. *See* H.R. 723 101st Cong., 2d Sess. 59 (1990); 56 Fed. Reg. 60897, 60898-99 (Nov. 29, 1991). 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. *Id.*; 8 C.F.R. § 204.5(h)(2).

The regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate his sustained acclaim and the recognition of his achievements in the field through evidence of a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then he must submit sufficient qualifying evidence that meets at least three of the ten categories of evidence listed at 8 C.F.R. § 204.5(h)(3)(i)-(x).

The submission of evidence relating to at least three criteria, however, does not, in and of itself, establish eligibility for this classification. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the evidence is first counted and then, if satisfying the required number of criteria, considered in the context of a final merits determination); *see also Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011) (affirming USCIS' proper application of *Kazarian*), *aff'd*, 683 F.3d 1030 (9th Cir. 2012); *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013) (finding that USCIS appropriately applied the two-step review); *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010) (holding that the "truth is to be determined not by the quantity of evidence alone but by its quality" and that USCIS examines "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").

II. ANALYSIS

A. Evidentiary Criteria¹

Under the regulation at 8 C.F.R. § 204.5(h)(3), the petitioner, as initial evidence, may present evidence of a one-time achievement that is a major, internationally recognized award. In this case, the petitioner has not asserted or shown through his evidence that he is the recipient of a major, internationally recognized award at a level similar to that of the Nobel Prize. As such, as initial evidence, the petitioner must present at least three of the ten types of evidence under the regulations at 8 C.F.R. § 204.5(h)(3)(i)-(x) to meet the basic eligibility requirements.

¹ We have reviewed all of the evidence the petitioner has submitted and will address those criteria the petitioner claims to meet or for which the petitioner has submitted relevant and probative evidence.

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 concluded that the petitioner did not meet this criterion. On appeal, the petitioner has not specifically challenged the director's conclusion as relating to the prizes and awards criterion. As such, the petitioner has abandoned this issue, as he did not timely raise it on appeal. *Sepulveda v. United States Att'y Gen.*, 401 F.3d 1226, 1228 n.2 (11th Cir. 2005); *Hristov v. Roark*, No. 09-CV-27312011, 2011 WL 4711885 at *1, 9 (E.D.N.Y. Sept. 30, 2011) (the United States District Court found the plaintiff's claims to be abandoned as he failed to raise them on appeal).

Accordingly, the petitioner has not submitted documentation of his receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. The petitioner has not met this criterion. See 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 concluded that the petitioner did not meet this criterion. On appeal, the petitioner has not specifically challenged the director's conclusion as relating to the membership in associations criterion. As such, the petitioner has abandoned this issue, as he did not timely raise it on appeal. *Sepulveda*, 401 F.3d at 1228 n.2; *Hristov*, 2011 WL 4711885 at *9.

Accordingly, the petitioner has not submitted documentation of his 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. The petitioner has not met this criterion. 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 concluded that the petitioner did not meet this criterion. On appeal, the petitioner has not specifically challenged the director's conclusion as relating to the published material criterion. As such, the petitioner has abandoned this issue, as he did not timely raise it on appeal. *Sepulveda*, 401 F.3d at 1228 n.2; *Hristov*, 2011 WL 4711885 at *9.

Accordingly, the petitioner has not submitted evidence of published material about him in professional or major trade publications or other major media, relating to his work in the field for which classification is sought. The petitioner has not met this criterion. See 8 C.F.R. § 204.5(h)(3)(iii).

Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought. 8 C.F.R. § 204.5(h)(3)(iv).

The director concluded that the petitioner met this criterion. The evidence in the record supports this conclusion. Specifically, according to a June 2, 2014 letter from [REDACTED], from 2012 to 2014, the petitioner advised nine MBA candidates on their final theses. According to an undated letter from [REDACTED] President of [REDACTED], as a professional member of [REDACTED] the petitioner has "judged the work of others in order to understand the applicability of each proposal." Accordingly, the petitioner has submitted evidence of his participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought. The petitioner has met this criterion. See 8 C.F.R. § 204.5(h)(3)(iv).

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).

On appeal, the petitioner asserts that he meets this criterion. Specifically, the petitioner asserts that his statement; letters from [REDACTED] President and Chief Executive Officer (CEO) of the [REDACTED]; and reference letters establish that he meets this criterion. To meet this criterion, the petitioner must demonstrate that his contributions are both original and of major significance in the field. 8 C.F.R. § 204.5(h)(3)(v). The term "original" and the phrase "major significance" are not superfluous and, thus, they have some meaning. *Silverman v. Eastrich Multiple Investor Fund, L.P.*, 51 F.3d 28, 31 (3d Cir. 1995) (quoted in *APWU v. Potter*, 343 F.3d 619, 626 (2d Cir. 2003)). The petitioner must show that his contributions are original, such that he is the first person or one of the first people to have done the research or developed the methodology in the field, and that his contributions are of major significance in the field, such that his research or methodology fundamentally changed or significantly advance the field as a whole. In addition, contributions of major significance connotes that his work has already significantly impacted the field. See *Visinscaia*, 4 F. Supp. 3d at 134-36.

In this case, the record does not support a finding that the petitioner has made original contributions of major significance in the field. First, the petitioner's statement is insufficient to show that he meets this criterion. To establish that he meets this criterion, the petitioner's statements must be supported by evidence in the record. Going on record without supporting documentary evidence is not sufficient for the purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Assoc. Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)). As discussed below, the evidence in the record does not support the petitioner's assertions made in his statement or on appeal.

Second, Mr. [REDACTED] letters do not demonstrate that the petitioner has made contributions of major significance in the field. The petitioner has submitted two letters from Mr. [REDACTED]. Both letters are dated September 15, 2014. In one of the letters, Mr. [REDACTED] recognizes the petitioner's "accomplishments and contributions to [the] global community of talent development professionals" and states that the petitioner received a 2012 Certificate of Appreciation at [REDACTED] International Conference and Exposition "because of [his] significant contributions to [the] industry." The letter provides that the petitioner's contributions in the field include presenting at conferences, leading conference workshops, participating in research projects, serving on panels, and assisting in building a training and development certification system. In the other letter, Mr. [REDACTED] indicates that the petitioner has presented at [REDACTED] conferences, authored materials for [REDACTED] publications and chaired its Program Advisory Council. Neither Mr. [REDACTED] letters nor other evidence in the record indicate that these activities are original, such that the petitioner is the first or one of the first persons to have developed the strategies on which he lectures and writes. In addition, neither Mr. [REDACTED] letters nor other evidence in the record indicate that these activities are contributions of major significance in the field, such that they fundamentally changed or significantly advanced the field of business training and development as a whole. Mr. [REDACTED] letters discuss the petitioner's involvement with and contributions to [REDACTED] and, previously, [REDACTED]. They do not, however, establish the petitioner's contributions in the field of business training and development as a whole, which encompasses an unspecified number of professional associations, organizations and establishments.

Third, reference letters that contain conclusory statements of the petitioner's contributions, and that lack specific examples of the petitioner's work that are original and of major significance in the field, do not demonstrate the petitioner has met this criterion. For example, according to an August 2013 letter from [REDACTED] President of [REDACTED] Colombia, the petitioner has coached "investors and intrapreneurs [sic] using a well[-]known international methodology delivered by [REDACTED]" Mr. [REDACTED] does not assert that the petitioner participated in the development of this methodology such that it constitutes his original contribution. Mr. [REDACTED] further asserts: "With relevant contributions [in the] field, he is an original contributor as a writer and consultant, who brought new concepts to Colombia, Puerto Rico, Mexico and Brazil (countries where [Mr. [REDACTED] has] witness[ed] his work)." The letter discusses the petitioner's work in general terms, and does not provide specific examples of the "new concepts" that the petitioner introduced, credit the petitioner with developing these "new concepts," or explain how these "new concepts" constitute contributions of major significance in the field as a whole.

According to an August 15, 2013 letter from [REDACTED] of [REDACTED] the petitioner is "an authority [i]n the fields of training and development of human resources," "a reference and example to be followed," "the perfect ambassador of [REDACTED] always available to explain to all his audience what is [REDACTED] and the benefits to professionals worldwide." The letter does not provide sufficient evidence in support of these conclusory statements. Mr. [REDACTED] does not explained why the petitioner is considered an "authority" or "reference" in the field, or if the petitioner has made any original contributions of major significance in the field as a whole. An August 15, 2013 letter from [REDACTED], Managing Director of [REDACTED], states that

the petitioner has made “direct contribution to the T&D industry . . . in many countries, where he has been working.” The letter, which consists of three sentences, does not provide specific examples of a “direct contribution” or evidence demonstrating the impact of the petitioner’s work in the field.

An undated letter from Mr. [REDACTED] of [REDACTED], stating that the petitioner has made “contributions on the most relevant trends to [the] field” and “contributions that modernized [the] field.” Mr. [REDACTED] however, does not provide specific information or examples of the petitioner’s contributions or evidence showing that the impact of the contributions is at a level consistent with “major significance in the field.” Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. at 165. Similarly, repeating the language of the statute or regulations does not satisfy the petitioner’s burden of proof. *See Fedin Bros. Co., Ltd. v. Sava*, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff’d*, 905 F. 2d 41 (2d Cir. 1990); *Avyr Associates, Inc. v. Meissner*, No. 95 Civ. 10729, 1997 WL 188942 at *1, 5 (S.D.N.Y. Apr. 18, 1997). USCIS need not accept primarily conclusory assertions. *See 1756, Inc. v. United States Att’y Gen.*, 745 F. Supp. 9, 17 (D.C. Dist. 1990).

Fourth, authorship and conference participation, without a showing that the petitioner’s work has impacted in the field, do not establish that the petitioner has met this criterion. The regulations contain a separate criterion regarding the authorship of published articles, 8 C.F.R. § 204.5(h)(3)(vi), which we discuss below. As such, the regulation views contributions as a separate evidentiary requirement from scholarly articles. Publication and presentations, which are evidence of the dissemination of the petitioner’s work, are not sufficient evidence under 8 C.F.R. § 204.5(h)(3)(v) absent evidence that they are of “major significance” in the field. *Kazarian v. USCIS*, 580 F.3d 1030, 1036 (9th Cir. 2009), *aff’d in part*, 596 F.3d 1115 (9th Cir. 2010). In *Kazarian*, the court reaffirmed its holding that our adverse finding under this criterion was not an abuse of discretion. 596 F.3d at 1122. Typically, in considering whether a published article or presentation is a contribution of major significance, we look at the impact of the material or presentation after dissemination. The petitioner has also not demonstrated the impact of his books or even their sales data.

The record lacks sufficient evidence showing that the impact of the petitioner’s work is at a level consistent with contributions of major significance in the field. An August 16, 2013 letter listing the author as [REDACTED] Marketing and Sales Director [REDACTED] one of the petitioner’s clients. The letter, however, bears no signature and, as such, has no evidentiary value. Regardless, the letter states that the petitioner’s coaching program “completely met all expectations and goals.” Letters from clients, who are generally satisfied with the petitioner’s program, are insufficient to demonstrate impact of the petitioner’s work in the field. The petitioner has not submitted evidence showing that there has been a wide adoption or implementation of his work in the field, that others in the field have relied on his work for their own work or research, or that his work fundamentally changed or significantly advanced the field of business training and development as a whole. Without evidence of an impact at a level of major significance in the field, the petitioner’s written work and presentations are insufficient to meet this criterion.

Vague, solicited letters from colleagues and clients that do not specifically identify contributions or provide specific examples of how those contributions influenced the field are insufficient.² *Kazarian v. USCIS*, 580 F.3d at 1036. The opinions of experts in the field are not without weight and have been considered above. USCIS may, in its discretion, use as advisory opinions statements submitted as expert testimony. *See 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 an alien's eligibility for the benefit sought. *Id.* The submission of letters from experts supporting the petition is not presumptive evidence of eligibility; USCIS may, as this decision has done above, evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). USCIS may even give less weight to an opinion that is not corroborated, in accord with other information or is in any way questionable. *Id.* at 795; *see also Matter of Soffici*, 22 I&N Dec. 158, 165 (Assoc. Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)); *See Visinscaia*, 4 F. Supp. 3d at 134-35 (upholding our decision to give minimal weight to vague, solicited letters from colleagues or associates that do not provide details on contributions of major significance in the field).

Accordingly, the petitioner has not presented evidence of his original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. The petitioner has not met this criterion. *See* 8 C.F.R. § 204.5(h)(3)(v).

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 asserts that he meets this criterion. The evidence in the record supports this assertion. Specifically, the petitioner has authored a chapter entitled "[REDACTED]" in the [REDACTED]. The petitioner has also authored an article entitled "[REDACTED]" published in [REDACTED]. Accordingly, the petitioner has submitted evidence of his authorship of scholarly articles in the field, in professional or major trade publications or other major media. The petitioner has met this criterion. *See* 8 C.F.R. § 204.5(h)(3)(vi).

² In 2010, the *Kazarian* court reiterated that our conclusion that "letters from physics professors attesting to [the petitioner's] contributions in the field" were insufficient was "consistent with the relevant regulatory language." 596 F.3d at 1122.

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).

On appeal, the petitioner asserts that he meets this criterion because of his involvement with [REDACTED] and other unspecified organizations and establishments. To demonstrate that he performs a leading role, the petitioner should present evidence establishing not only on his title but his duties associated with the position. To demonstrate that he performs a critical role, the petitioner should present evidence establishing his impact on the organization or establishment as a whole. To show his role in an organization or establishment, the petitioner may submit an organization chart demonstrating how his role fits within the hierarchy of the organization or establishment. In addition, the petitioner must show that the organizations and establishments, in which he performs a leading or critical role, have a distinguished reputation. The evidence in the record does not establish that the petitioner has met this criterion.

First, the petitioner has not shown that he meets this criterion based on his involvement with [REDACTED] known as [REDACTED] as of 2014. The petitioner has submitted a March 23, 2004 letter from [REDACTED] [REDACTED] Conference Program Manager, in which Ms. [REDACTED] thanks the petitioner for “the outstanding effort, time, and creativity [he] invested in the [REDACTED] International Forum and for the [REDACTED] International Conference & Exposition.” The letter further states that the petitioner “helped to make these forums a success for the international audience and for [REDACTED]” The letter does not state or provide any specific evidence showing that the petitioner performed either a leading or a critical role for the forums, [REDACTED] or [REDACTED]. Rather, this is a letter of appreciation that thanks the petitioner in general terms for his involvement with the forums and [REDACTED].

Ms. [REDACTED] as [REDACTED] Senior Manager of International Programs, has submitted a second letter in support of the petitioner. Her second letter is dated May 21, 2013. The petitioner has also submitted a May 21, 2012 letter from Mr. [REDACTED] which contains verbatim language from Ms. [REDACTED] May 21, 2013 letter. Specifically, five of the six paragraphs are exactly the same in the two letters. The verbatim language in both letters, which discuss the petitioner’s involvement with and role in [REDACTED], suggests that the language in the letters is not the authors’ own, at least with respect to the later 2013 letter. *Cf. Surinder Singh v. Board of Immigration Appeals*, 438 F.3d 145, 148 (2d Cir. 2006) (upholding an immigration judge’s adverse credibility determination in asylum proceedings based in part on the similarity of some of the affidavits); *Mei Chai Ye v. United States Dep’t of Justice*, 489 F.3d 517, 519 (2d Cir. 2007) (concluding that an immigration judge may reasonably infer that when an asylum applicant submits strikingly similar affidavits, there is a common source).

Regardless, the petitioner has not shown through these letters that he meets this criterion. According to these two letters, the petitioner “has held a very unique leadership position as Chairman of the Advisory Committee for the [REDACTED] International Conference and Exposition, at [REDACTED] . . . where he was the first non-North American Chairman in more than 60 years of [the] association history.” The letters provide that [REDACTED] has asked the petitioner to present at [REDACTED] conferences and write for [REDACTED] publications, including the [REDACTED]. The petitioner has not shown that his role as a committee chairman for an [REDACTED] conference constitutes a leading or critical role for [REDACTED] as

whole. Neither Ms. [REDACTED] nor Mr. [REDACTED] has provided details or specific information relating to the petitioner's role as the chairman of a committee. The petitioner's title as a committee chairman, without specific information relating to what he did or his impact on [REDACTED] in that role, is insufficient to demonstrate that he has performed either a leading or critical role for [REDACTED] or [REDACTED] as a whole. Even if we consider the petitioner's role for the committee, the petitioner would then need to demonstrate that the committee, individually and on its own, enjoys a distinguished reputation.

In addition, evidence that the petitioner has presented at [REDACTED] conferences and has written for [REDACTED] publications is insufficient to show that the petitioner has met this criterion. The petitioner has not submitted evidence showing that his role as one of an unspecified number of presenters at [REDACTED] conferences and one of an unspecified number of writers for [REDACTED] publications are indicative of either his leading or critical role in [REDACTED] as a whole. For example, according to materials from the [REDACTED] event, during day 2 of the event, there were 16 speakers, including the petitioner, scheduled for concurrent sessions and three speakers scheduled for mega sessions. According to materials from the [REDACTED] International Conference and Exposition, the conference had more than 300 sessions and speakers from 27 countries. According to materials from the [REDACTED] there were multiple speakers scheduled for a number of concurrent sessions at the conference. The petitioner has not submitted evidence showing how a presenter or writer fits into the hierarchy of [REDACTED] or [REDACTED] which is relevant to whether he has performed a leading role in the organization; or evidence showing the impact he has had in [REDACTED] or [REDACTED] as a presenter or writer, which is relevant to whether he has performed a critical role in the organization.

The record does contain a credit page for [REDACTED] which lists the petitioner as the technical coordinator. The petitioner has not documented his duties in this role. Moreover, assuming this role is a leading or critical one, the petitioner would need to demonstrate that the magazine, individually and on its own, enjoys a distinguished reputation.

Moreover, the petitioner has not shown that [REDACTED] had or [REDACTED] has a distinguished reputation. The petitioner has submitted material from [REDACTED] website entitled '[REDACTED]' which states that [REDACTED] "is the world's premier professional association and leading resource on workplace learning and performance issues." The information contained in this online printout constitutes self-promotional evidence and thus has minimal evidentiary value. *See Braga v. Poulos*, No. CV 06-5105 SJO 10, 2007 WL 9229758, at *1, 6-7 (C.D. Cal. July 6, 2007), *aff'd*, 317 F. App'x 680 (9th Cir. 2009) (concluding that we did not have to rely on the promotional assertions on the cover of a magazine as to the magazine's status as major media). The petitioner has not supported the self-promotional evidence with more independent evidence. Although the petitioner has submitted an undated online printout from [REDACTED] that discusses [REDACTED] changing its name to [REDACTED] the material does not state or establish that [REDACTED] had or [REDACTED] has a distinguished reputation. The petitioner has also not submitted evidence showing that accuracy and/or reliability of contents posted on clomedia.com. The record includes published materials by [REDACTED] in the [REDACTED], the Events Watch section, and the [REDACTED], the Sharing Session section, about

events. The petitioner has not presented evidence relating to the accuracy or reliability of these publications. In addition, the record lacks information about the author or evidence showing that the materials are news reporting materials, rather than promotional materials, such as a press release. In short, the petitioner has not shown that that he has performed a leading or critical role for or as a whole, or that or has a distinguished reputation. The record also lacks evidence specific to the committee the petitioner chaired or the magazine published such that he has established that his role for those entities is qualifying under this criterion.

Second, the petitioner has not shown that he meets this criterion based on his involvement with . The petitioner has submitted an undated letter from President, Mr. stating that the petitioner has had a number of roles within and that has recognized his work. The letter does not indicate how the petitioner's various roles fit within hierarchy, which might show that he has performed a leading role. Similarly, the letter does not indicate how the petitioner's work has impacted the organization as a whole, which might show that he has performed a critical role. The petitioner submitted a document showing that he was a speaker at a Regional Workshop organized by and . The petitioner has not shown that being a speaker at a workshop is indicative of his leading or critical role for the organization. Both (now) and organize a number of events where individuals are invited to participate as speakers. The petitioner has not shown, with an organizational chart or otherwise, where his role as a workshop speaker fits within the hierarchy of either organization, or the impact his role as a workshop speaker has had in either organization. In addition, the petitioner has not shown that has a distinguished reputation. According to online material from website, mission "is to support companies and training and development professionals to perform their job with excellence." The petitioner has not shown that a mission statement is sufficient to establish that has a distinguished reputation. The record lacks evidence from an independent source, such as published materials from nationally or internationally circulated publications, demonstrating has a distinguished reputation.

Third, on appeal, the petitioner has asserted that his role in six organizations meets this criterion, but identifies only and . The petitioner's statement that his involvement in unnamed organizations meets this criterion, without providing any legal support, does not require us to conduct a full analysis as relating to these organizations. *See Desravines v. United States Att'y Gen.*, No. 08-14861, 343 F. App'x 433, 435 (11th Cir. 2009) (finding that issues not briefed on appeal by a pro se litigant are deemed abandoned); *Tedder v. F.M.C. Corp.*, 590 F.2d 115, 117 (5th Cir. 1979) (deeming abandoned an issue raised in the statement of issues but not anywhere else in the brief). As such, the petitioner has abandoned this issue, as he did not properly raise it on appeal.

In the alternative, the record includes evidence relating to other organizations and establishments, including

The record, however, lacks sufficient evidence showing what role the petitioner has performed for these organizations, whether his role in these organizations is leading or critical, or if

these organizations have a distinguished reputation. While the petitioner is the founder and president of his own company, the petitioner has not documented the reputation of that company from sources independent of the company's website and the company's clients.

Accordingly, the petitioner has not presented evidence that he has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. The petitioner has not met this criterion. *See* 8 C.F.R. § 204.5(h)(3)(viii).

B. Summary

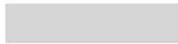
The evidence shows that the petitioner has been active in the field of business training and development. He owns a business that provides training, he has authored business training and development related materials, presented at conferences, and has been involved in a number of professional organizations. Notwithstanding the above activities, for the reasons discussed above, we agree with the director that the petitioner has not submitted the requisite initial evidence that satisfies three of the ten regulatory criteria.

III. CONCLUSION

The documentation submitted in support of a claim of extraordinary ability must clearly demonstrate that the petitioner has achieved sustained national or international acclaim and is one of the small percentage who have risen to the very top of his or her field of endeavor.

Had the petitioner submitted the requisite evidence under at least three evidentiary categories, in accordance with the *Kazarian* opinion, the next step would be a final merits determination that considers all of the evidence in the context of whether or not the petitioner has demonstrated: (1) a "level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor," and (2) "that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise." 8 C.F.R. § 204.5(h)(2) and (3); *see also Kazarian*, 596 F.3d at 1119-20. As the petitioner has not done so, the proper conclusion is that the petitioner has failed to satisfy the antecedent regulatory requirement of presenting evidence that satisfied the initial evidence requirements set forth at 8 C.F.R. § 204.5(h)(3) and (4). *Kazarian*, 596 F.3d at 1122. Nevertheless, although we need not provide the type of final merits determination referenced in *Kazarian*, a review of the evidence on which the petitioner relies on appeal in the aggregate supports a finding that the petitioner has not demonstrated, through the submission of extensive evidence, the level of expertise required for the classification sought.³

³ We maintain *de novo* review of all questions of fact and law. *See Soltane v. United States Dep't of Justice*, 381 F.3d 143, 145 (3d Cir. 2004). In any future proceeding, we maintain the jurisdiction to conduct a final merits determination as the office that made the last decision in this matter. 8 C.F.R. § 103.5(a)(1)(ii); *see also* INA §§ 103(a)(1), 204(b); DHS Delegation Number 0150.1 (effective March 1, 2003); 8 C.F.R. § 2.1 (2003); 8 C.F.R. § 103.1(f)(3)(iii) (2003); *Matter of Aurelio*, 19 I&N Dec. 458, 460 (BIA 1987) (holding that



The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed.