U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41830525

Date: APR. 2, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a choreographer, 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 through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

Service Center Operations (SCOPS) denied the petition, concluding that although the Petitioner satisfied at least three of the initial evidentiary criteria, as required, she did not show her sustained national or international acclaim and demonstrate she is among the small percentage at the very top of the field of endeavor. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) 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). *See also Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) (holding that extraordinary ability visas are known as "Einstein" visas, are extremely "coveted," and are "reserved for only the most talented" aliens"). 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 achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or qualifying documentation that meets at least three of the ten categories listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows 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. U.S. Citizenship & Immigr. Servs.*, 596 F.3d 1115, 1119-20 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. U.S. Citizenship & Immigr. Servs.*, 772 F. Supp. 2d 1339, 1346 (W.D. Wash. 2011), *aff'd*, 683 F.3d 1030 (9th Cir. 2012).

II. ANALYSIS

A. Evidentiary Criteria

Because the Petitioner has not claimed or established her receipt of a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined the Petitioner met at least three of the claimed evidentiary criteria. However, SCOPS concluded the Petitioner did not show she garnered sustained national or international acclaim and her achievements have been recognized in the field of endeavor, demonstrating she is one of that small percentage who has risen to the very top of the field. On appeal, we will review the totality of the evidence in the context of the final merits determination below.[1]

B. Final Merits Determination

As indicated above, we will evaluate whether the Petitioner has demonstrated, by a preponderance of the evidence, her sustained national or international acclaim,[2] she is one of the small percentage at the very top of the field of endeavor, and her achievements have been recognized in the field through extensive documentation. In a final merits determination, we analyze an individual's accomplishments and weigh the totality of the evidence to determine if her successes are sufficient to demonstrate that she has extraordinary ability in the field of endeavor. *See* section 203(b)(1)(A)(i) of

[1] *See also generally* 6 *USCIS Policy Manual* F.2(B)(2), https://www.uscis.gov/policymanual.

[2] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(A)(1) (stating the definition of sustain is "to support or maintain, especially over a long period of time . . . To persist in making (an effort) over a long period of time").

the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20.[3] In this matter, we determine the Petitioner has not shown her eligibility.

The Petitioner works at [redacted] in the United States as a supplementary education teacher and head of the studio. Previously, the Petitioner has been employed in Russia for [redacted] as a choreographer and educator (2015-2018), [redacted] as a ballet dancer (2013), and [redacted] as a stage performer (2011-2012). However, in considering the totality of the evidence, the Petitioner has not demonstrated that her achievements are reflective of a "career of acclaimed work in the field" as contemplated by Congress. 1990 U.S.C.C.A.N. 6710, 6739. Furthermore, the Petitioner has not shown that she has risen to that small percentage at the very top of the field of endeavor. *See* 8 C.F.R. § 204.5(h)(3). The commentary for the proposed regulations implementing section 203(b)(1)(A)(i) of the Act provides that the "intent of Congress that a very high standard be set for aliens of extraordinary ability is reflected in this regulation by requiring the petitioner to present more extensive documentation than that required" for lesser classifications. 56 Fed. Reg. 30703, 30704. Here, the Petitioner has not established that she enjoys a career that meets this very high standard. *See Amin v. Mayorkas*, 24 F.4th 383, 386-87 (5th Cir. 2002) (stating that the narrow definition reflects the stringency of the extraordinary ability standard).

The Petitioner provided various choreography and teaching awards, mainly from 2014 – 2017, such as first degree laureate in choreography – folk dance at the [redacted] (2014), best choreographer at the [redacted] (2016), and teacher of the year from the [redacted] (2017).[4] Her most recent reflects a first degree laureate from the [redacted] in 2024. However, the Petitioner did not establish that she received awards indicative of the upper echelon in the field. *See Donskoy v. United States Citizenship & Immigr. Servs.*, No. 21-CV-04757-CRB, 2021 WL 5240224, at *5 (N.D. Cal. Nov. 11, 2021) (finding that what matters for the purpose of the visa classification is whether the award brought the petitioner individual acclaim). Moreover, the Petitioner did not show the significance of the awards and how they place her among that small percentage at the very top of the field. *See Hamal v. U.S. Dep't of Homeland Sec.*, No. CV 19-2534 (RC), 2021 WL 2338316, at *4 (D.D.C. June 8, 2021), *aff'd sub nom. Hamal v. United States Dep't of Homeland Sec.*, No. 21-5160, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (upholding plaintiff did not contextualize his awards throughout his career to show sustained national or international acclaim). USCIS has long held that even athletes performing at the major league level do not automatically meet the statutory standards for classification as an individual of "extraordinary ability." *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Although she offered one award from 2024, the Petitioner did not demonstrate she sustained national or international acclaim or achieved a career of acclaimed work in the field.

In addition, the Petitioner offered evidence of her 2024 membership with USA Dance without contextualizing the significance of such membership. *See Hamal*, 2021 WL 2338316, at *4, *aff'd*,

[3] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (instructing that USCIS officers should consider the petition in its entirety to determine eligibility according to the standard – sustained national or international acclaim and the achievements have been recognized in the field of expertise, indicating that the person is one of that small percentage who has risen to the very top of the field of endeavor).

[4] The Petitioner also presented evidence acknowledging or thanking her for her participation and contribution at festivals or events.

2023 WL 1156801 (upholding plaintiff did not contextualize his membership to demonstrate sustained national or international acclaim). Furthermore, the Petitioner did not show how this recent membership resulted in sustained national or international acclaim or a career of acclaimed work. *See Donskoy*, 2021 WL 5240224, at *5 (upholding the petitioner's membership did not demonstrate the requisite level of achievement or sustained acclaim to establish extraordinary ability). Moreover, the Petitioner did not demonstrate how this membership reflects that small percentage who has risen to the very top of the field of endeavor. For example, the Petitioner did not explain how USA Dance membership places her among the prestigious choreographers of her field. The record does not contain evidence indicating that she received national or international recognition based on her USA Dance membership. The Petitioner also did not establish that she has distinguished himself from others in the field based on this membership, gaining national or international attention or placing her among the upper echelon in the field. *See Hamal*, 2023 WL 1156801, at *3 (finding the petitioner did not establish the associations limit membership to renowned directors).

Regarding media coverage, similar to her awards, the Petitioner submitted three articles from earlier in her career (2013, 2014, and 2018) and then two recent articles (2025).[5] The Petitioner did not demonstrate how the significant break in news material about her reflects sustained national or international acclaim. Moreover, the Petitioner did not establish that such minimal reporting is consistent with a level of success among that small percentage who has risen to the very top of the field of endeavor, has achieved sustained national or international acclaim, or has a career of acclaimed work. *See Hamal*, 2021 WL 2338316, at *4, *aff'd*, 2023 WL 1156801 (upholding plaintiff did not show his press coverage was indicative of a level of success consistent with being at the top of his field). The Petitioner, for instance, did not show how the amount of her media coverage places her among the very top of the field. *See Bodhankar v. United States Citizenship & Immigr. Servs.*, No. 119CV706MADCFH, 2020 WL 777211, at *5 (N.D.N.Y. Feb. 18, 2020) (finding the lack of press about the plaintiff was not consistent with national or international acclaim). Again, the Petitioner did not demonstrate how her nominal press coverage reflects a career of acclaimed work in the field or a very high standard to present more extensive documentation than that required. 56 Fed. Reg. at 30704.

As it relates to the Petitioner's service as a judge of the work of others, an evaluation of the significance of her experience is appropriate to determine if such evidence indicates the required extraordinary ability for this highly restrictive classification. *See Kazarian,* 596 F. 3d at 1121-22. The Petitioner judged four competitions, all occurring in January 2025. However, the Petitioner did not establish that these four recent judging instances contributed to a finding that she has a career of acclaimed work in the field or indicative of the required sustained national or international acclaim. *See Jafarov v. United States Citizenship & Immigr. Servs.*, No. 23 CIV. 3372 (PAE), 2024 WL 69056, at *10 (S.D.N.Y. Jan. 5, 2024) (finding the recency of the petitioner's judging events did not show a career of acclaimed work in the field); *see also Joseph v. Dir. of Texas Serv. Ctr., United States Citizenship & Immigr. Servs.*, No. 24-40249, 2025 WL 458001, at *4 (5th Cir. Feb. 11, 2025) (upholding plaintiff's judging did not set him apart from others in the field or a career of acclaimed work).

[5] The Petitioner also offered three articles [redacted] without any dates and documentation identifying the publications and photographs from a purported television appearance [redacted] on All Ufa TV) without any transcript.

The Petitioner did not show, for example, how her judging experience places her among the very top of the field. *See Hamal*, 2023 WL 1156801, at *2 (finding the petitioner did not provide needed context for his directorial and judging experience and the response to this work). In addition, the Petitioner did not establish, for instance, that she garnered wide attention from the field based on her judging work. *Id.* at *2 (finding the petitioner did not show that he served as a judge of renowned directors as opposed to aspiring artists or the competitions were considered prestigious or attracted significant attention by the field). Moreover, serving on a jury on four occasions does not automatically demonstrate that an individual has extraordinary ability and sustained national or international acclaim at the very top of her field. *See Job v. Jaddou*, No. 4:22-CV-03017, 2024 WL 2963795, at *4 (S.D. Tex June 12, 2024) (upholding mere service on a review board, without more, cannot evince extraordinary ability). Without evidence that sets the Petitioner apart from others in her field, such as evidence that she has a consistent history of judging recognized, acclaimed experts in her field, the Petitioner has not shown that her narrow judging experience places her among that small percentage who has risen to the very top of the field of endeavor. *See Agrawal v. Miller*, No. 4:24CV3143, 2025 WL 2879217, at *23 (D. Neb. Sept. 12, 2025) (upholding that plaintiff did not show how she judged to such an extent, or at a high enough level, that her judging surpasses the majority of the field and places her in the top echelon of the field); *see also Joseph v. Dir. of Texas Serv. Ctr., United States Citizenship & Immigr. Servs.*, No. 4:22-CV-00973-SDJ-AGD, 2024 WL 1299065, at *6 (E.D. Tex. Mar. 12, 2024), *report and recommendation adopted*, No. 4:22-CV-00973-SDJ-AGD, 2024 WL 1289452 (E.D. Tex. Mar. 26, 2024), *aff'd*, 2025 WL 458001 (upholding plaintiff did not demonstrate his judging experience sets him apart from others in the field or places him among the small percentage who has risen to the top of the field of endeavor).

As it pertains to her written work, the Petitioner presented evidence indicating that her paper, [redacted] " "has been accepted for publication and will be included in the collection of articles of the [redacted]," in [redacted] 2025. Authorship and publication do not automatically place one at the top of the field.[6] Here, the Petitioner did not demonstrate that her publication record of a single article is consistent with having a career of acclaimed work, sustaining national or international acclaim, and being among the small percentage at the very top of her field. *See Agrawal*, 2025 WL 2879217, at *23 (upholding that plaintiff's articles do not demonstrate her work has placed her at the top of the field or has sustained national or international acclaim throughout the field). The Petitioner, for instance, did not show the significance of her single authorship or how her scarce publication record compares to others who are viewed to be at the very top of the field. *See Jafarov*, 2024 WL 69056, at *9 (finding it reasonable for USCIS to focus on the fact that a publication record of six publications over seven years inconsistent with a career of acclaimed work and sustained national or international acclaim). Moreover, the Petitioner did not show how publishing one article only months before filing the petition demonstrates sustained national or international acclaim or a career of acclaimed work in the field.

Furthermore, while she provided a letter from the editor-in-chief indicating the journal's receipt, the Petitioner did not demonstrate any measurable impact of this article in the field or that she garnered any attention from the field. *See Donskoy*, 2021 WL 5240224, at *6 (finding the Petitioner did not

[6] *See also generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1) (indicating that the second step requires USCIS to evaluate the person's publications to determine whether it is indicative of being one of that small percentage who has risen to the very top of the field of endeavor and enjoying sustained national or international acclaim).

establish that he garnered sustained national or international acclaim for his contributions and his achievements have been recognized); *see also Joseph*, 2025 WL 458001, at*4 (upholding plaintiff did not demonstrate his contributions reflected sustained national or international acclaim through extensive documentation); *Hamal*, 2021 WL 2338316, at *4, *aff'd*, 2023 WL 1156801 (upholding plaintiff did not establish that he significantly influenced the field); *Mishra v. Richardson*, No. 120CV991LMBTCB, 2021 WL 1566071, at *5 (E.D. Va. Apr. 20, 2021) (finding the plaintiff did not show he received the national or international acclaim for his work "that is required in order for such a unique visa to be awarded"); *Bhanu v. Garland*, No. 22-103, 2023 WL 6119357, at *9 (E.D. Pa. Sept. 18, 2023) (upholding the Petitioner did not show the significance of authorships reflect that he is among the small percentage at the very top of the field); *Donskoy*, 2021 WL 5240224, at *7 (upholding that petitioner did not show that any of his publications garnered any acclaim or recognition, or were even cited by other scholars); *Jafarov*, 2024 WL 69056, at *9 (finding it appropriate for USCIS to consider the publications' significance in the ultimate merits determination); *Nagaiah v. Allen*, 784 F. Supp. 3d 798, 820 (E.D. Pa. 2025) (upholding that authorships of scholarly articles did not automatically place the petitioner at the top of his field).

Further, at initial filing, the Petitioner indicated that "[i]n 2018, Petitioner was a featured artist in the internationally renowned ethno-show project [redacted]" and then indicated her participation in other earlier projects, such as with [redacted] and the [redacted] However, simply performing does not automatically place one at the very top of the field. Here, the Petitioner did not demonstrate the significance of her work, such as that her performances or displays brought wide praise from critics, drew notable crowds, raised attendance, or was responsible for the success of standings of the events. *See Hamal*, 2023 WL 1156801, at *2 (upholding the petitioner did not show his plays brought praise from critics, drew notable crowds, raised attendance, or were responsible for the success or standing of the event). Although the record contains some evidence of her recent involvement with [redacted] the absence of her work since 2018 does not show her sustained national or international acclaim. Moreover, the Petitioner's evidence does not distinguish her work from others in her field or show that it reflects a career of acclaimed work in the field. In addition, the Petitioner did not establish that her work garnered a level of attention or was regularly seen at highly reputable venues consistent with being among that small percentage who has risen to the very top of the field of endeavor.

Likewise, the Petitioner also indicated her performance roles in [redacted] and instructional and program-development roles with [redacted] However, the Petitioner did not show that she served in a capacity that places her among that small percentage at the very top of the field of endeavor. *See Agrawal*, 2025 WL 2879217, at *23 (upholding that plaintiff's roles do not place her at the top of the field or demonstrate sustained national or international acclaim). Moreover, the record does not show how the Petitioner's positions indicate a high standing in her field or reflects that she has received sustained acclaim or recognition for her achievements. *See Bodhankar*, 2020 WL 777211, at *5 (finding the plaintiff's work for organizations did not result in national or international acclaim); *see also Hamal*, 2021 WL 2338316, at *4, *aff'd*, 2023 WL 1156801 (upholding plaintiff did not contextualize his work at an organization demonstrating recognition by the field as being significantly important or viewed as unusually influential).

The record as a whole, including the evidence discussed above, does not establish the Petitioner's eligibility for the benefit sought.[7] Here, the Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *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,"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visa are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). In this case, the Petitioner has not shown the significance of her work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that she is among the small percentage at the top of her field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.

[7] *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2) (providing that some evidence weighs more favorably on its own, while other evidence is more persuasive when viewed with other evidence).