U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41719677

Date: APR. 06, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a business executive, requests classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203 (b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). Successful petitioners for U.S. permanent residence in this category must demonstrate "sustained national or international acclaim" and extensively document recognition of their achievements in their fields. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish the Petitioner received a one-time achievement of a major, internationally recognized award, or, in the alternative, that the Petitioner satisfied at least three of the initial evidentiary criteria. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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

I. LAW

An alien is eligible for the extraordinary ability classification if he or she has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and his or her achievements have been recognized in the field through extensive documentation; he or she seeks to enter the United States to continue work in the area of extraordinary ability; and his or her entry will substantially benefit prospectively the United States. Section 203(b)(1)(A) of the Act.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate a one-time achievement (that is, a major, internationally recognized award). If the petitioner does not submit this evidence, then the petitioner must provide documentation that meets at least three of the ten

categories listed at 8 C.F.R. § 204.5(h)(3)(i) to (x) (including items such as awards, published material in certain media, and scholarly articles). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if the petitioner is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115, 1119-20 (9th Cir. 2010); *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).

II. ANALYSIS

Because the Petitioner has not claimed or established his receipt of a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS determined the Petitioner met only one (authorship of scholarly articles in the field in professional or major trade publication or other major media under 8 C.F.R. § 204.5(h)(3)(vi)) of the seven claimed categories of evidence. On appeal, the Petitioner asserts that he fulfills the criterion SCOPS determined he met as well as the remaining criteria he claimed. We disagree.

Upon our de novo review, we agree with SCOPS and conclude the Petitioner did not demonstrate eligibility under the criteria contained in 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (iv), (v). and (viii). But we withdraw SCOPS' determination that the record satisfies the criteria at 8 C.F.R. § 204.5(h)(3)(vi). As we conclude the Petitioner has not met the initial evidence requirements to demonstrate his extraordinary ability, we are not required to consider the totality of the material provided in a final merits determination and assess whether the record reflects the Petitioner's national or international acclaim and that he is amongst the small percentage at the very top of his field of endeavor. *See Kazarian*, 596 F.3d at 1110-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2) and (3)). Accordingly, we reserve it. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision). So, we will dismiss the Petitioner's appeal.[1]

A. *"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 regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." We

[1] At the outset, we draw attention to the fact that the documents the Petitioner submitted into the record to serve as English translations of the evidence he submitted in support of his eligibility for the immigrant classification he seeks are uncertified. Any document in a foreign language must be accompanied by a full English language translation. 8 C.F.R. § 103.(b)(3). The translator must certify that the English language translation is complete and accurate, and that the translator is competent to translate the foreign language into English. *Id.* We harbor measurable doubt about the accuracy of the uncertified translations the Petitioner has submitted into the record.

first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner claims eligibility under this criterion based upon his selection by Beyond Shipping and China Shipping Hundred People Committee to a list of ' ' in 2021. In support, the Petitioner submitted an uncertified translation of Chinese characters appearing on a glass sculpture in a photograph, an original Chinese and uncertified translation of an announcement with a list of the "2021 listing the Petitioner's name issued by Beyond Shipping and Net Ease News in 2021, an "About Us' page purporting to describe Beyond Shipping, a printout from Beyond Shipping's LinkedIn description, and an uncertified English translation of a webpage in Chinese containing the nomination criteria for the selection process.

USCIS determines if the person was the recipient of prizes or awards. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. We note that the evidence in the record does not establish that selection as amongst the is identified as a prize or award. The uncertified translation of the Chinese characters appearing on a glass sculpture in a photograph states that it was "issued" to the Petitioner. Additionally, the uncertified translation of the announcement including the Petitioner amongst a list of other describes the Petitioner as a "selection" for the list or one "named" to the list, and not as a recipient of a prize or award.

We also observe that selection as one of the ' ' is not made on the basis of excellence in the field. Relevant considerations regarding whether the basis for granting a prize or award is excellence in the field include, but are not limited to: the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, the number of awardees or prize recipients, and limitations on competitors. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. The record contains a copy of a Chinese webpage with an uncertified translation purportedly published by Beyond Shipping on 2021. The webpage supposedly announces the official launch of the selection process and notes the nomination criteria for selection. The nomination criteria contain an age limit, a list of eligible fields, and a requirement that the nominee "support the principles, abide by the law, be honest and trustworthy, eager to learn, innovative, and show outstanding performance in work, study, or social contributions." The record also contains the above stated announcement including the Petitioner amongst a list of other ' published by Beyond Shipping and Net Ease News, as well as copies of webpages with uncertified translations purporting to demonstrate the reputation of Beyond Shipping. In response to SCOPS' request for evidence (RFE), the Petitioner submitted a press release from Beyond Shipping dated , 2020, discussing a joint venture between Beyond Shipping and New York Shipping Exchange in the context of the outbreak of the COVID-19 pandemic.

The Petitioner asserted that selection as one of the is a recognition of the Petitioner's excellence. He indicated that "Beyond Shipping is a

leading shipping organization in the field" and as such its selection of the Petitioner as one of the [redacted] indicates excellence. But, in evaluating the Petitioner's eligibility under this criterion, we focus on the award or prize, and not the issuer. *Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) (USCIS must focus on the recognition of the award, not its issuer); see also *Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013). And the evidence in the record does not establish that selection as one of the [redacted] indicates excellence because the nominees are those that "support the principles, abide by the law, be honest and trustworthy, eager to learn, innovative, and show outstanding performance in work, study, or social contributions."

And the Petitioner contended that selection as one of the [redacted] is a national or international recognition. It is the Petitioner's burden to provide evidence of national or international recognition. *Krasniqi*, 558 F. Supp. 3d at 182 (finding the regulation requires that the petitioner provide evidence of national or international recognition); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013); *Guida v. Miller*, No. 20-CV-01471-LB, 2021 WL 568850, at *8-9 (N.D. Cal. Feb. 16, 2021); *Hristov v. Roark*, No. 09-CV-2731, 2011 WL 4711885, at *8 (E.D.N.Y. Sept. 30, 2011). The Petitioner provided documentation he avers demonstrates the repute and importance in the field of Beyond Shipping, the organization that selected the Petitioner as one of the [redacted] is nationally or internationally recognized. But Beyond Shipping's reputation is not dispositive because it is the award or prize that we evaluate and not its issuer. *See Krasniqi*, 558 F. Supp. 3d at 183.

In the alternative, the Petitioner submitted documentation of his employer's receipt of Chinese government sponsored certificates and awards and proffered it as comparable evidence demonstrating his eligibility under this criterion. A petitioner must identify how comparable evidence supplants the inapplicable criteria and tends to demonstrate a petitioner's extraordinary ability. General assertions that objective criteria as contained in the regulations do not readily apply are not acceptable. *See generally* 6 *USCIS Policy Manual*, F.5(B)(2), https://www.uscis.gov/policy-manual. The Petitioner states that "enterprise-level government awards for" the Petitioner's company are comparable evidence because the Petitioner's field "is a business-driven, project-based industry, where recognition often comes in the form of enterprise-level government awards rather than individual honors." However, the Petitioner's assertion is not supported by material, relevant or probative evidence. Moreover, his assertion is undercut by the evidence and assertions he submitted in the record when he claimed eligibility under the criterion based on his supposed individual selection as one of the [redacted] we discuss above. So, we conclude the Petitioner has not identified how his comparable evidence of citations and distinctions bestowed upon his employer supplant the criteria he claims he cannot meet directly and tend to demonstrate his extraordinary ability.

So, for all the reasons discussed above, we conclude that the Petitioner does not meet this criterion.

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B. *"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 regulation at 8 C.F.R. § 204.5(h)(3)(ii) requires "[d]ocumentation of the alien's membership in associations in the field for which 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 claimed that he enjoyed "[i]individual council membership [as a] Council Member of the Water Transportation Management Professional Committee of China Institute of Navigation" and submitted a membership certificate with an uncertified English translation. The uncertified translation of the membership certificate also states the Petitioner was elected as a deputy director of the [redacted] in [redacted] 2025. The Petitioner further submitted a copy of the constitution of China Institute of Navigation, and webpages describing the China Institute of Navigation with uncertified translations.

In its decision SCOPS concluded the Petitioner did not meet this criterion and we agree. The record does not demonstrate that the Petitioner's claimed "[i]individual council membership [as a] Council Member of the Water Transportation Management Professional Committee of China Institute of Navigation" requires outstanding achievement. An individual member of the China Institute of Navigation need only be "[a]ny expert, scholar, researcher having relatively great influence in the disciplines and relevant fields as well as persons who have certain profession skills or knowledge." None of the evidence in the record demonstrates that the requirements of individual members rise to a level of a requirement of outstanding achievement for admission as a member. The record also does not contain evidence to establish the Petitioner's admittance to membership and evaluation of achievements was judged by recognized national or international experts in their disciplines or fields.

In response to the RFE, the Petitioner contends that he has council membership in the China Institute of Navigation. The evidence submitted in the record denotes criteria for various levels of membership. But council level membership is not described in the constitution of the China Institute of Navigation constitution. Nor does any of the evidence in the record reflect the Petitioner's council level membership. As stated previously, the certificate the Petitioner submitted merely reflects that he was selected as deputy director of a committee organized within China Institute of Navigation.

The Petitioner also states that his election as deputy director qualifies him not as an individual member as described in his memberships certificate, but as a senior member. But the record does not preponderantly support this assertion with material, relevant, or probative evidence. The record does not contain evidence that would establish that leadership positions in the China Institute of Navigations' Transportation Management Professional Committee has any relation to level of membership, public or core corporate.

We recognize that there is no express requirement that the nomenclature used by associations in the field offering membership specify "outstanding achievement" as the requirement. Other expressions of eligibility, such as "distinguishment" can potentially meet the requirements. However, in every

case, the Petitioner bears the burden to demonstrate that the specific requirements or expression of requirements demonstrates outstanding achievement. And that is where the Petitioner's claim to eligibility, such that it is, falters. The Petitioner has not submitted adequately persuasive material, relevant, or probative evidence that demonstrates that "relatively great influence," "significant professional achievements," or "great influence" as described in the individual and senior membership entries in the China Institute of Navigation constitution relates to a requirement of outstanding achievements for membership.

Moreover, it is not sufficiently evident if the achievements required of any level of membership in the China Institute of Navigation (council, individual, or senior) are judged by recognized national or international experts in their disciplines or fields. The Petitioner submitted an uncertified translation of a certificate noting the Petitioner was selected as a deputy director by "the Chairperson's Committee." And, in response to the RFE, the Petitioner stated that the constitution of the China Institute of Navigation provides for judging of membership applications by "the Council." However, the record does not contain evidence describing the credential of the individuals who make up the Council. We are unable to determine if the Council is a body of recognized national or international experts in the discipline or field.

So, we conclude the Petitioner has not demonstrated eligibility under this criterion.

C. *"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).*

To fulfill this criterion, the Petitioner must demonstrate there is published material about him in professional or major trade publications or other major media, as well as the title, date, and author of the material. The published material should be about the alien and his or her work, rather than the alien's employer and its work (or about an organization and its work). Professional or major trade publications may be identified by their intended audience, whereas other major media and major trade publications should have elevated circulation or readership relative to other media in the field. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1)(criterion three).

To support his claim to this criterion, the Petitioner submitted evidence in the form of uncertified translations and Chinese language web printouts of three different web portals that published an interview he participated in with an individual named [redacted] in [redacted] and [redacted] of 2025. The web portals that published the interview were Beyond Shipping on "ship.sh", iFeng News on an unknown web address, and Sina News on an unknown web address. The Petitioner also submitted uncertified translations and web printouts of two purportedly different interviews both dated [redacted] 2024, appearing on "Sohu.com" and "NetEase (163.com)."

SCOPS observed several issues with the content of the evidence and considered the possibility that the interviews as a whole were evidence of marketing material and not published material about the Petitioner in major media relating to his work in his field. SCOPS also utilized Google Translate, a browser-based translation tool, to decipher Chinese language appearing in the webpage printouts but not in the uncertified translations the Petitioner provided to make several of its observations.

We note that the Google Translate results SCOPS relied upon for its conclusions are not present in the record. Moreover, the Petitioner did not have an opportunity to evaluate and rebut Google Translate's results prior to SCOPS decision. And we acknowledge SCOPS' skepticism about the nature of the material the Petitioner submitted. But, even when we consider the Petitioner's evidence in the light most advantageous to him by considering the material the Petitioner submitted as published material about him and discounting SCOPS' conclusions made with the aid of Google Translate, we still conclude upon our de novo review that the Petitioner does not meet this criterion because the material was not published in professional or major trade publications or other major media.

The Petitioner asserts that Beyond Shipping is a professional publication because it "is a leading shipping industry media platform in China, widely recognized as a professional trade publication" with a "readership [that] consists of industry professionals, companies, and policymakers." The Petitioner also characterized iFeng News, Sina News, Sohu, and NetEase as some of "the largest independent media platforms in China," "influential online news portals," and "top-tier media portals." In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, 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). *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1)(criterion three).

The evidence in the record does not demonstrate that Beyond Shipping is a professional publication. The Petitioner alternatively refers to Beyond Shipping as a general "news media consultancy firm" and a more specific "shipping industry media platform." Additionally, the uncertified English translation that supposedly describes Beyond Shipping describes "ship.sh," the claimed professional publication in which the Petitioner's interview wit[redacted] appears, as operated by Shanghai Shipping Intelligence Technology Co. Ltd. And the record does not explain the relationship between Beyond Shipping and Shanghai Shipping Intelligence Technology Co., Ltd. The incongruencies we have identified have material implications. The Petitioner must address inconsistencies in a record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). So, we cannot conclude the evidence in the record preponderantly establishes that Beyond Shipping is a professional publication.

The Petitioner submitted evidence describing iFeng News as an "Internet media website" under Phoenix New Media, a Chinese media company. He also provided a company overview from NASDAQ.com prepared in anticipation of an initial public offering of Phoenix New Media stock on the New York Stock Exchange. And the Petitioner submitted a "brief introduction" of Sina News' inclusion as part of a digital media network maintained by Sina Corporation accompanied by third party documentation describing Sina Corporation.

But this evidence does not describe iFeng News' relative circulation, readership, or viewership in a manner that would support the Petitioner's claim that it is amongst "the largest independent new media platforms in China" and considered major media. Nor does it demonstrate that Sina News is "an influential online news portal" by the same token or that it constitutes major media or another qualifying publication.

The Petitioner did provide some web traffic data for Sohu's website and viewership data for NetEase accompanied by third party documentation describing each of them respectively. But the web traffic and viewership data, standing in isolation from any comparative information about other websites or portals, did not sufficiently demonstrate that Sohu and NetEase enjoyed a relative circulation, readership, or viewership which reached the level of major media.

So, we conclude the Petitioner's submitted evidence does not support his claim of eligibility under this criterion.

D. "*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 regulation at 8 C.F.R. § 204.5(h)(3)(iv) requires "[e]vidence 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." USCIS determines whether the person has acted as the judge of the work of others in the same or an allied field of specification. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. The petitioner must show that the person has not only been invited to judge the work of others, but also that the person actually participated in the judging of the work of others in the same or an allied field of specialization. *See generally* 6 *USCIS Policy Manual*, supra, at F.2(B)(1).

In support of his claim to this criterion, the Petitioner submitted an uncertified translation of a letter of invitation that does not identify the intended recipient. The Petitioner also submitted an agenda for a conference on ship building. The agenda included a portion of time for experts to "express their opinions and conduct written reviews" whilst the "leader of the expert group will review and give opinion and sign the opinion of the leader of the expert group." The record contains a sign in form which the uncertified translation states contains the name of the Petitioner as well as a document that contains the Petitioner's profile. Additional documentation describes the "Supramax bulk carrier types" of ships for which the invitees' opinion of their seaworthiness amongst other attributes was sought out. Finally, the record contains an uncertified translation of a scoring rubric for two types of Supramax bulk carriers accompanied by a summary opinion with the Petitioner's purported signature.

SCOPS again utilized Google Translate and noted resulting observations to support its ultimate conclusion the Petitioner did not meet this claimed criterion. As stated above, we note that the Google Translate results SCOPS relied upon for its conclusions are not present in the record. Moreover, the Petitioner did not have an opportunity to evaluate and rebut Google Translate's results prior to SCOPS decision. And we have noted our concern with the Petitioner's submission of uncertified translations above.

But, even if we discount SCOPS' use of Google Translate and only evaluate the uncertified translations the Petitioner submitted in the most favorable manner for him, we would still conclude upon our de novo review that the Petitioner did not establish his eligibility under this criterion. Whilst the Petitioner stridently asserts that he was invited to provide his opinion about the Supramax bulk carriers, the invitation letter he submitted is not addressed to him. It is in fact blank and consequently addressed to nobody. Consequently, we are unable to ascertain whether the Petitioner in fact participated as a

judge of the work of others in the same or an allied field of specification either individually or on a panel. *See generally* 6 *USCIS Policy Manual*, supra, at F.2(B)(1). So, we conclude the Petitioner did not show he fulfills this criterion.

E. *"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 regulation at 8 C.F.R. § 204.5(h)(3)(v) calls for "evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. A petitioner may show that his or her 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 v. Beers*, 4 F. Supp. 3d 126, 134-35 (D.D.C. 2013). Relevant evidence of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work.
- Letters providing details about how the alien's original work has been significant in the field.
- Citation of the alien's published scholarly work at a level indicative of major significance.
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1)(criterion five).

The Petitioner claimed he made original business-related contributions of major significance to his field based on his exercise of "overall responsibility for [redacted] corporate strategy, decision making, research direction, and technological innovation." In support, he submitted five patents issued to [redacted] The Petitioner also submitted testimonial letters from individuals in his field.

We, like SCOPS, note the patents the Petitioner submitted were issued to [redacted] and not to the Petitioner. And, like SCOPS, we note the Petitioner is not listed amongst the inventors on the patent. So, the patents are not evidence of the Petitioner's original work.

But the Petitioner encourages us to ignore this fact and credit him with the original contributions the patents represent because he was in a position of leadership at [redacted] when the patents were issued. We do not agree. The plain language of the regulation requires the original contribution, in this case the work described by the patents, to be the Petitioner's original work. As the patents are not the Petitioner's original work, they cannot support the Petitioner's claim to the criterion.

Testimonial letters and letters of support can support a petitioner's claim of original contributions of major significance with details about how the petitioner's original work has been significant in his or her field. But the contents of the testimonial letters or advisory opinions in the record do not preponderantly demonstrate that the Petitioner's original contributions are of major significance. In general, the testimonial letters the Petitioner submitted express an effusive appreciation of the

Petitioner's competent undertaking of his job duties. And the testimonial letters or advisory opinions do not establish how the Petitioner's performance of his job duties, even when successful, well received, and competent are original contributions to his field and the significance of the contributions separate and apart from the venue where they were performed or made. So, we conclude the Petitioner has not demonstrated eligibility for the claimed criterion.

F. *"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).*

The record does not preponderantly establish that the scholarly articles the Petitioner claims to have authored were published in professional or major trade publications or other major media. The articles contained in the record were published in publications named China Shipping Gazette and The Frontiers of Chinese Talents [redacted] The record contains several documents describing the publications. However, the evidence in the record does not constitute persuasive evidence to establish the publications are professional or major trade publications or other major media because they do not provide context such as rankings, circulations figures, or any other metric to demonstrate how the journals publishing the articles compare against others. The omission of the comparative context prohibits an evaluation of the nature of the journal and if it is a professional or major trade publication or other major media. So, we conclude the Petitioner has not met this criterion and withdraw SCOPS' conclusion to the contrary.

G. We Reserve The Remaining Claimed Criteria

We note the Petitioner claims he met an additional criterion related to performing in a leading or critical role for organizations or establishments that have a distinguished reputation. However, as noted above, the Petitioner's unsuccessful demonstration of his eligibility under the criteria we discussed means he cannot numerically meet the required number of at least three criteria out of the 10 available and the seven he claimed. Accordingly, discussion of the Petitioner's remaining claim would serve no legal purpose and we reserve it. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, --- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability

visa."). So, as stated before, we decline to reach and hereby reserve any final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. at 25.

Regardless, 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. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (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 (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 his 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. Whilst 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 he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an alien 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.