U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40985087

Date: APR. 7, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a poet, seeks classification as an individual of extraordinary ability in the arts. *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 aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. *Id.*

SCOPS denied the petition, concluding that the Petitioner did not establish either that she received a major, internationally recognized award, or that she satisfied at least three of the 10 initial evidentiary criteria. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

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

I. LAW

Section 203(b)(1) of the Act makes visas available to immigrants with extraordinary ability if:

(i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,

(ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

(iii) the alien's entry into the United States will substantially benefit prospectively the United States.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of their achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the 10 categories listed at 8 C.F.R. § 204.5(h)(3)(i)-(x) (including items such as awards, published material in certain media, and scholarly articles).

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

II. ANALYSIS

The Petitioner described her endeavor as a plan to introduce her poetry to audiences.

As noted above, SCOPS observed that the record does not establish the Petitioner received a one-time achievement of a major, internationally recognized award. SCOPS concluded that the record satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(vii), but not those at 8 C.F.R. §§ 204.5(h)(3)(i)-(iii), and (v), noting that the Petitioner did not assert eligibility under other criteria. On appeal, the Petitioner reasserts that the record satisfies the criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(iii), and (v), in addition to the criterion at 8 C.F.R. § 204.5(h)(3)(vii). The Petitioner does not assert on appeal—and the record does not support the conclusion—that the record satisfies the criteria at 8 C.F.R. §§ 204.5(h)(3)(iv), (vi), or (viii)-(x). As discussed below, the record does not satisfy at least three of the 10 criteria listed at 8 C.F.R. §§ 204.5(h)(3)(i)-(x).

A. Membership in Associations

The criterion 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 classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields."

SCOPS acknowledged that the record establishes the Petitioner is a member of the Russian Writers Union (RWU) and the International Union of Writers (IUW), and that she is a corresponding member of International Academy of Science and Arts (IASA).[1] However, SCOPS observed that the record does not establish the associations require outstanding achievements of their members and that membership in the associations is judged by recognized national or international experts in their disciplines or fields. Therefore, SCOPS concluded that the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

[1] Certified English translations in the record refer to this association as both the "Internaional [sic] Academy of Sciences and Arts" and the "International Academy of Sciences and Arts." We refer to this entity as the International Academy of Sciences and Arts, despite various translations' apparent typographical errors.

On appeal, the Petitioner reasserts that these associations require outstanding achievements of their members, that membership in those associations is judged by recognized national or international experts and, therefore, her membership in those associations satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

The record contains certified English translations of membership information for the Petitioner, which establish that the IASA elected the Petitioner as a corresponding member in February 2024, that she became a member of the RWU in September 2024, and that she became a member of the IUW in November 2024.

Information in the record states that IASA members may be any individual, regardless of citizenship in the Russian Federation, and even legal entities. The provisions further state, "Membership in the [IASA] is based on voluntary admission to it of scientists, cultural figures and artists whose works enrich peoples with new knowledge and whose merits in the spiritual development of peoples and nations are recognized by society." The record does not establish that the works, merits, or societal recognition must be based on outstanding achievements. Rather, other information in the record distinguishes IASA corresponding members, "elected for a major contribution to science, art or contribution to the development of the Russian state," from full members who are "elected for an outstanding contribution to science, art, or an outstanding contribution to the development of the Russian state." Information in the record further states that members of the IASA's presidium vote by simple majority whether to elect an applicant for membership. The record does not establish whether the presidium members are recognized national or international experts in their disciplines or fields.

In turn, the RWU charter in the record states that members may be any citizen of the Russian Federation, and even legal entities. The charter further provides that admission to the RWU "is carried out on the basis of the recommendations of the [RWU] members, or on the conclusion of the [RWU] Membership Council, on the basis of application for membership." The charter does not elaborate on membership criteria, although another document from the RWU in the record requires applicants to complete an online application for membership, submit a photograph to be used for an identification card and "obtain recommendations from current members of the [RWU], or submit published books [or] diplomas from literary competitions to the Membership Committee for consideration." The record does not establish that the recommendations, books, or literary competition diplomas must be based on—or indicative of—outstanding achievements. Further, neither the charter nor the remainder of the record establishes that the RWU membership council or committee members are recognized national or international experts in their disciplines or fields.

Next, the record provides minimal information regarding IUW membership, which is described as "the world's largest organization of professional writers" that "protects the social and professional rights of writers and journalists." According to the provided documentation, "If you are approved by the selection committee, you will have to pay the entrance and annual fees," but the record does not describe what the selection committee reviews to determine whether membership requests may be approved. It also vaguely states, "Even the most talented of our authors can become valid and full members of the [IUW] only after a year of joining the organization as a candidate," although it does not elaborate on what must occur during the interim to qualify as a full member. As with the other associations, the record does not establish that membership must be based on outstanding

achievements and that recognized national or international experts in their disciplines or fields judge applicants for membership.

The record does not otherwise establish that the IASA, the RWU, or the IUW require outstanding achievements of its members, or that membership in the IASA, the RWU, or the IUW is judged by recognized national or international experts in their disciplines or fields. Therefore, the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

B. Lesser Prizes or Awards

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

SCOPS acknowledged that the record contains documentation of various prizes or awards given to the Petitioner in 2024 and 2025. However, SCOPS observed that the evidence does not establish that any of the prizes or awards are nationally or internationally recognized, as required. More specifically, SCOPS noted that the record does not establish "how the 'larger audience' views any one of the [P]etitioner's awards," citing *Krasiniqi v. Dibbins*, 558 F. Supp. 3d 168, 182 (D.N.J. 2021) (quoting *Visinscala v. Beers*, 4 F. Supp. 3d 126, 136 (D.D.C. 2013)). Therefore, SCOPS determined that the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(i).

On appeal, the Petitioner reasserts that the named prizes or awards are for excellence in the field of endeavor and that evidence of media coverage and letters from sponsoring organizations establish that they are nationally or internationally recognized.

The record establishes that, in 2024, the IASA gave the Petitioner a [redacted] and the RWU gave the Petitioner an [redacted] award, a [redacted], a [redacted], and a [redacted]. The record further shows that, in 2024, the IUW gave the Petitioner a [redacted]." The record also establishes that, in 2025, the [redacted] gave the Petitioner a third-place prize for a book she authored.

The record does not, however, demonstrate that any of the various awards are for excellence in the field of endeavor. Relevant considerations for determining whether prizes or awards are for 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, 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 awards' criteria, as indicated in the record, are vague, generally similar and, in some cases, cumulative. For example, although we acknowledge that the certificate for the [redacted] states that it is "for major contribution to the development of science, culture, and art," it also indicates that it is "awarded to corresponding members of the IASA." As to the remaining awards, the [redacted] award is "for contribution to the development of Russian culture and literature," the [redacted] award is for "authors who preserve traditional cultural values," the [redacted] award is for "authors whose works have been evaluated by the jury of literary awards of the [RWU]," the [redacted]

award is given to "nominees of the [redacted] Award," the [redacted] award is given to "new talented authors capable of contributing to Russian literature and to attract a wide readership to their work," and "the main goal of the [redacted] competition was to stimulate sales of new books through additional advertising." Thus, some of the awards were part of advertising campaigns to generate sales of products, some resulted from her nomination for other awards and, in general, they rely on vague criteria like intangible cultural "contribution" or "preservation," not for excellence in the field of endeavor. We further note that the record contains limited information regarding the number of other competitors and recipients of the awards, as may also indicate whether they may be for excellence in the field of endeavor rather than for other reasons, such as by default among little or no competition.

As SCOPS noted, the record provides the award-givers' own descriptions, which we note include commercial motivations; however, the record does not establish how individuals or entities other than the award-givers themselves consider their own awards. The record contains limited information about media reporting on some of the awards, but the record does not establish the notoriety of the media publishers to establish how this reporting may indicate national or international recognition and, regardless, the substance of the reporting essentially only states that the events occurred, listing the names of award recipients. Therefore, the record does not establish whether the awards given to the Petitioner are nationally or internationally recognized.

Because the record does not establish that an award among those given to the Petitioner was for excellence in the field of endeavor and that such an award is nationally or internationally recognized, it does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(i).

C. Original Contributions of Major Significance

The criterion at 8 C.F.R. § 204.5(h)(3)(v) requires "[e]vidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field."

SCOPS acknowledged that the record contains information about the Petitioner's published work and a letter of recommendation. However, SCOPS observed that neither the letter of recommendation nor the remainder of the record establishes how the Petitioner's contributions may have had major significance in the field. Therefore, SCOPS concluded that the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(v).

On appeal, the Petitioner reasserts that letters and other documentation in the record establish that her published work constitutes contributions of major significance in the field, as contemplated by the criterion at 8 C.F.R. § 204.5(h)(3)(v).

The record contains English translations of published reviews of the Petitioner's books, which constitute original artistic contributions. However, the reviews are similar to common literary reviews in which authors generally praise each other, and they do not clarify how the Petitioner's original contributions may have had major significance in the field, distinguishable from merely contributing to the growing number of published books for centuries. Moreover, some purported reviews include marketing statements, such as "The book is available for purchase on the website of [redacted]," demonstrating that, like some of the awards discussed above, the reviews are

ultimately part of marketing campaigns published for commercial motives, not to express objectively how the Petitioner's original contributions may have major significance in the field.

The record also contains an opinion letter written by [redacted] who identified herself as the chairman of the board of the [redacted]. As a matter of discretion, we may use opinion statements submitted by a petitioner as advisory. *Matter of Caron Int'l, Inc.*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we may give an opinion less weight if it is not in accord with other information in the record or if it is in any way questionable. *Id.* We are ultimately responsible for making the final determination regarding an individual's eligibility for the benefit sought; the submission of expert opinion letters is not presumptive evidence of eligibility. *Id.*; *see also* Fed. R. Evid. 702 (providing that an expert opinion may "help the trier of fact to understand the evidence or to determine a fact in issue," not that it is evidence of fact itself).

The [redacted] letter describes the Petitioner as a "trailblazer in the realm of therapeutic poetry," describing it as "a genre [the Petitioner] has pioneered, which uniquely combines literary artistry with psychological insight to foster emotional healing and self-discovery." The [redacted] letter recites the awards given to the Petitioner, including an award the [redacted] gave the Petitioner, and the letter references other literary reviews of the Petitioner's books. Many of the literary reviews are published by the [redacted]. In turn, documentation in the record from the [redacted] informs that its members, including the Petitioner, "have benefits when publishing books and promoting abroad," and that they "receive serious opportunities to promote their creativity."

The [redacted] focus on promoting its members' works minimizes the objectivity of the opinion letter written by the [redacted] chairman of the board regarding the Petitioner, an [redacted] member. Therefore, the probative value of the [redacted] letter is reduced. *See Matter of Caron Int'l, Inc.*, 19 I&N Dec. at 795. Even to the extent that the [redacted] letter may bear probative value, it provides limited help to understand the evidence, instead primarily repeating information in the record, such as noting the award the [redacted] gave the Petitioner or referencing literary reviews the [redacted] published or promoted. *See* Fed. R. Evid. 702. Despite the [redacted] letter's claim that the Petitioner pioneered the genre of therapeutic poetry, neither it nor the remainder of the record establishes how combining literary artistry with psychological insight to foster emotional healing and self-discovery differs from poetry in general. Stated another way, neither the [redacted] letter nor the remainder of the record establishes that the Petitioner pioneered a genre of poetry distinguishable from poetry in general.

In response to SCOPS' request for evidence (RFE), the Petitioner submitted information that establishes that, on some unspecified date in 2025, she gifted a copy of a book she authored, which [redacted] published in 2023, to the [redacted] Public Library. The Petitioner filed the Form I-140, Immigrant Petition for Alien Workers, in July 2025. She did not establish or otherwise reference at the time she filed the Form I-140 that she gifted a copy of the book in question to the New York Public Library. A petitioner must establish eligibility for the benefit it is seeking at the time the petition is filed. *See* 8 C.F.R. § 103.2(b)(1). A visa petition may not be approved based on speculation of future eligibility or after a petitioner becomes eligible under a new set of facts. *See Matter of Katigbak*, 14 I&N Dec. 45, 49 (Reg'l Comm'r 1971). A petitioner may not make material changes to a petition in an effort to make a deficient petition conform to U.S. Citizenship and Immigration Services requirements. *See Matter of Izummi*, 22 I&N Dec. 169, 176 (Assoc. Comm'r 1998).

We acknowledge that the Petitioner also submitted in response to the RFE a copy of a 15-minute Google Calendar appointment on June 25, 2025, between the Petitioner and the [redacted] Public Library's Slavic curator. However, the record does not establish whether the Petitioner and the Slavic curator actually met on June 25, 2025, and, more to the point, whether the [redacted] Public Library accepted the Petitioner's donated book as of that date. Without more, the RFE response information regarding the Petitioner's gift of her book to the [redacted] Public Library at some unspecified date in 2025 does not establish that it is consistent with the set of facts that existed at the time she filed the Form I-140 and, thus, that it may establish eligibility. *See* 8 C.F.R. § 103.2(b)(1); *Matter of Katigbak*, 14 I&N Dec. at 49; *Matter of Izummi*, 22 I&N Dec. at 176.

Even if the Petitioner had gifted a copy of her book to the [redacted] Public Library at the time she filed the Form I-140, the record does not establish that donating a book to the [redacted] Public Library—or a book's inclusion therein in general—indicates major significance in the field of literature or any other field. On the contrary, information from the [redacted] Public Library the Petitioner submitted asserts that its librarians "consider and order hundreds of thousands of titles each year," indicating that the library's process of reviewing material for inclusion is common. The record does not establish how many of the "hundreds of thousands of titles" its librarians review annually do not satisfy inclusion criteria, which may indicate the significance of inclusion or exclusion.

Next, we acknowledge that the Petitioner references on appeal her book's inclusion at the [redacted] and the [redacted]. However, as with other evidence in support of this criterion, the record does not establish how the Petitioner's book's inclusion at those book fairs is of major significance to the field of literature, poetry, or any other field, given that books are commonly included at book fairs and inclusion at two book fairs does not, in itself, indicate particular notoriety. Rather, as SCOPS acknowledged, the book fairs' inclusion of the Petitioner's books constitutes display of her work in the field at artistic exhibitions or showcases, addressed by the criterion at 8 C.F.R. § 204.5(h)(3)(vii).

In summation, although the record establishes that the Petitioner has made original artistic contributions common among other authors, it does not establish that her contributions are of major significance in the field. Therefore, the record does not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(v).

Because the record would not satisfy at least three of the 10 criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x), even if it satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(iii), we reserve our opinion regarding that criterion. *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); *Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not established she received a one-time achievement or, in the alternative, submitted evidence that meets at least three of the 10 criteria at 8 C.F.R. §§ 204.5(h)(3)(i)-(x). As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. *See INS v. Bagamasbad*, 429 U.S. at 25. Nevertheless, we have reviewed the record in the aggregate;

however, we determine that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought. For example, much of the evidence discussed above pertains to few, isolated instances shortly before the Petitioner filed the Form I-140 in 2025, which does not demonstrate sustained national or international acclaim. *See Kazarian*, 596 F.3d at 1119-20 (citing section 203(b)(1)(A) of the Act; 8 C.F.R. §§ 204.5(h)(2)-(3)).

The Petitioner has not shown that the significance of her work is indicative of the required sustained national or international acclaim or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and that she is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act; *see also* 8 C.F.R. § 204.5(h)(2).

ORDER: The appeal is dismissed.

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.