U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37389503

Date: APR. 9, 2025

Appeal of Texas Service Center Decision

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

The Petitioner, a sales and marketing specialist, seeks classification as an alien 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.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner had satisfied at least three of ten initial evidentiary criteria, as required. The matter is now before us on appeal under 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 immigrant visas available to aliens with 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. A petitioner must establish that these aliens seek to enter the United States to continue work in the area of extraordinary ability, and that their entry into the United States will substantially benefit the United States. The term "extraordinary ability" refers only to those aliens 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 international recognition of an alien's achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence that meets at least three of the ten criteria 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. If those standards do not readily apply to the alien's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the alien 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) (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. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner, a native of Kuwait and citizen of Jordan, asserts that "[h]e is an expert in the regulations, standards, and practices of doing business in the highest echelons of the EU [European Union], Turkey, and the wider MENA [Middle East and North Africa] regions." The Petitioner has completed various training programs in sales and marketing. The Petitioner worked in banking in Kuwait until 2014, and then ran a Kuwait-based real estate company in Qatar from 2016 to 2018. Since 2018, the Petitioner has owned and managed [redacted] described as "a sales and marketing consultancy based in Turkey." The Petitioner states that he intends to establish an unspecified business in [redacted] Texas. He filed the present immigrant petition in May 2024. In February 2025, while the appeal was pending, the Petitioner arrived in the United States as a B-2 nonimmigrant visitor.

Because the Petitioner has not indicated or shown that he received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). The Petitioner claims to have satisfied six of these criteria, summarized below:

- (i), Lesser nationally or internationally recognized prizes or awards;
- (iii), Published material about the alien in professional or major media;
- (v), Original contributions of major significance;
- (vi), Authorship of scholarly articles;
- (viii), Leading or critical role for distinguished organizations or establishments; and
- (ix), High remuneration for services.

The Director concluded that the Petitioner met one of the criteria, relating to a leading or critical role. On appeal, the Petitioner maintains that he meets all six claimed criteria. We will discuss the criteria below.

1. Prizes or Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.

The Petitioner submitted a copy of an April 2009 certificate indicating that [redacted] awarded the Petitioner "the Honorary Doctorate in Marketing." The certificate bears a stamp that reads, in part, [redacted] The Petitioner also submitted a [redacted] bearing the seals of [redacted] and the [redacted]

[redacted] calling the Petitioner a "[redacted]" and [redacted]

The Petitioner cited information about the prestige of honorary degrees from the [redacted] We agree with the Director that the record does not establish that "[redacted]" is part of, or affiliated with, the [redacted] The use of the name [redacted] is not sufficient to establish such a link. Materials from [redacted] indicate that the college is "[redacted]" rather than the [redacted] in England.

On appeal, the Petitioner asserts that "the honorary doctorate is sealed and recognized by multiple embassies and carries the signature of Prof. [redacted], one of the most well-known American authors and regarded globally as the [redacted] The embassy stamps on the document appear to be akin to notarizations, attesting that the document is original and authentic, but the Petitioner did not establish that these stamps establish national or international recognition of the honorary doctorate. Prof. [redacted] signature appears on the document among the embassy stamps, without any statement or further context. The presence of a prominent figure's autograph does not convey national or international recognition on the honorary degree.

The Petitioner has not established that an honorary doctorate from [redacted] is a nationally or internationally recognized prize or award. General background evidence about the prestige of honorary degrees does not suffice in this regard, as the recognition of such degrees generally correlates with the reputation of the awarding institution, and the Petitioner has not established the reputation of [redacted]

The Petitioner submitted copies of other materials such as a [redacted] from the [redacted]; a [redacted] from the same organization, recognizing the Petitioner's "Initiatives in Building Economic Industrial Network"; and an [redacted] from [redacted] On appeal, the Petitioner states that the materials are "supplementary to the honorary doctorate," and that "[t]he [redacted] is a respected recognition granted to leaders who have demonstrated exceptional contributions to the business and marketing sectors in the European and Arab regions." The Petitioner cites no evidence to establish the recognition of the [redacted]

We agree with the Director that the Petitioner has not met his burden of proof regarding this criterion.

2. Published Material

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) calls for 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. The evidence must include the title, date, and author of the material, and any necessary translation.

Published material should be about the person, relating to the person's work in the field, and not just about the person's employer and its work. Marketing materials created for the purpose of selling the person's products or promoting the person's services are not generally considered to be published material about the person. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual.

The person and their work need not be the only subject of the material, provided that it mentions the person in a substantial discussion of the person's work in the field. *Id.*

The Petitioner claimed to have "been profiled by some of the biggest and most widely read newspapers in the Arab media landscape." The Petitioner submitted translated copies of articles from newspapers in Kuwait, Jordan, Turkey, and the United Arab Emirates, published between 2008 and 2019.

The Director concluded that most of the articles lack the author credit that the regulation requires, and other articles are not about the Petitioner, relating to his work in the field. On appeal, the Petitioner claims that Kuwaiti law does not require author credits on newspaper articles, and he maintains that the submitted articles quote him, name him, and relate to his work.

Most of the submitted articles mention the Petitioner only briefly, providing his name and title but not including substantial discussion of his work in the field. Instead, the articles describe activities by the Petitioner's employers or organizations with which he has been involved. In the case of coverage of a 2019 real estate fair, the Petitioner is one of several individuals shown in a published group photograph but his name does not appear in the articles.

The Petitioner also submitted a printout from [redacted] consisting of a three-sentence biographical profile of the Petitioner. The Petitioner asserted that [redacted] "summarizes . . . well-known persons, businessm[e]n and dignitaries in [the] Arab world." The Petitioner did not establish that [redacted] constitutes a professional or major trade publication or other major media. The submitted printout appears to be an entry from a directory or database with capsule information about listed individuals. The Petitioner also did not submit evidence of the inclusion criteria to show that [redacted] only lists "well-known persons" as claimed.

The article that devotes the most attention to the Petitioner is a three-paragraph story from the Kuwaiti news website [redacted] published without an author credit, stating that a real estate company "announced the appointment of [the Petitioner] as a manager of one of the group's departments." Even then, the article focuses on assertions about the company's reputation and the services it offers, and provides few details about the Petitioner other than his name and new title. The promotional tone of the anonymous article is consistent with a press release from the company. Content that the person or the person's employer paid for does not generally meet the regulatory requirements. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). The absence of an author credit is particularly significant in light of the apparently promotional nature of the article, because the article lacks a potential means to distinguish between journalistic coverage and what amounts to an advertisement for the Petitioner's then-employer.

We agree with the Director that the Petitioner's evidence does not meet the regulatory requirements.

3. Original Contributions

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.

Evidence of funding, patenting, or publication will not necessarily establish, on its own, the major significance of the work. We look at whether a person's work has provoked widespread commentary on its importance from others working in the field, or has attracted significant attention or commercialization. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

The Petitioner claims to be "one of the most influential Sales and Marketing Specialists in EU [the European Union], Kuwait, Turkey, and the greater MENA regions." The Petitioner initially cited the following exhibits as evidence under this criterion:

- "Advisories" to various Turkish government ministries;
- An award from his employer;
- Authorship of an article in
- A 2004 patent application for a product called '; and
- A description of a concept for a mobile application called

We will begin with discussion of the because it is instructive with regard to the nature of the Petitioner's claims, the strength of the supporting evidence, and the Petitioner's credibility.

Initially, the Petitioner referred to "his patented idea, the which . . . is a novel concept that utilized infrared sensors to market targeted products to consumers. . . . This advanced concept . . . was recognized by for its leading-edge concept and approach. ***Exhibit 26.***" Exhibit 26 is a 2004 letter from the not Turkey, acknowledging that the Petitioner had filed an "application for registration of a Patent . . . for the product The letter indicated that the patent "has not yet been registered." The letter expressed no opinion as to the value or significance of the Petitioner's innovation. Acknowledgment of receipt of a patent application does not constitute recognition of a "leading-edge concept and approach."

The Petitioner also submitted a letter from an official of the stating that the Petitioner "deposited a patent, which has garnered recognition from the as an exceptional marketing innovation." The writer did not elaborate further. As noted above, the acknowledgment letter from did not express any opinion about the value of the innovation for which the Petitioner sought a patent.

In a request for evidence (RFE), the Director requested additional details, supported by corroborating documentation. In response, the Petitioner asserted that the previously submitted evidence establishes the major significance of his contributions. Statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight. *Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998). The materials in the Petitioner's initial submission do not support the Petitioner's later claims about those materials.

The Petitioner stated "[w]e are submitting a copy of [the Petitioner's] patent registration for to supplement the evidence previously provided, see ***Exhibit 12***." Exhibit 12 of the RFE response is a copy of the same 2004 letter from described above.

The Petitioner submitted a second letter from the official, calling the "[o]ne of [the Petitioner's] most notable innovations," having "revolutionized the way marketing strategies are developed and implemented for youth-oriented products, setting a new standard in the industry" and establishing "a pioneering model that has been emulated by others in the field."

The Petitioner also submitted a letter from an official of , stating: "Among [the Petitioner's] most innovative and original strategies of ," a patented concept recognized by th . . . This invention . . . significantly enhanc[ed] advertising effectiveness in retail environments."

Detailed letters from experts in the field explaining the nature and significance of the person's contribution may provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Submitted letters should specifically describe the person's contribution and its significance to the field and should also set forth the basis of the writer's knowledge and expertise. *Id.* In this instance, the writers cited no corroborating evidence and provided no specific details about innovation or how it influenced "marketing strategies" and "advertising effectiveness." Without details and corroboration, the letters have negligible weight as evidence.

The Director determined that the Petitioner had not sufficiently corroborated the claims in the letters, and had not submitted "objective documentary evidence that the patent has been licensed or resulted in any significant commercial sales or has had a significant impact on others in the field."

On appeal, the Petitioner states that he "was unable to complete the full [patent] registration process" for the He contends, nevertheless, that we should consider the patent application as "evidence of [his] ability to innovate in the marketing field at a very young age" and his "capacity to create original marketing solutions." The Petitioner asserts that his "idea . . . had the potential to significantly improve marketing strategies and processes."

Even an approved patent is evidence of originality, but not of major significance. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). The originality of an idea or contribution does not attest to its major significance in the field. Here, the Petitioner acknowledges on appeal that the patent application was never approved, although in earlier filings he referred to the document as a "patent."

The Petitioner asserts on appeal that he "did not claim that the patent was registered or resulted in commercial sales." The Petitioner did, however, submit the letters quoted above, which indicated that the had been patented and had already had an impact on marketing and advertising. By signing the Form I-140 petition, the Petitioner attested that the evidence submitted in support of the petition was true and correct. In this way, the Petitioner is responsible for the contents of documents, including letters, that he chose to submit in support of the petition. If the never received a patent and never reached the market, then we cannot credit the previously submitted letters claiming that the is a patented innovation that had a broad impact on the field.

The Petitioner's discrepant claims regarding the are not an isolated instance of a questionable or refuted claim. The record contains other issues of concern, such as the Petitioner's repeated conflation of Taken together, these discrepancies

raise broader concerns about the overall credibility of the Petitioner's claims and evidence. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

The Petitioner has not submitted higher-quality evidence to support his other claims regarding original contributions of major significance. The Petitioner initially stated that his "Mobile Application idea, [redacted] . . . utilizes the online community as a safe, anonymous, and inclusive space for sharing feelings, thoughts, and aspirations as a means of community building." The Petitioner did not explain how this social media application relates to sales and marketing, and he did not establish that the application was ever developed and released, or that it has major significance. Instead, he states on appeal: [redacted] are examples of innovations that, once fully developed and implemented, have the potential to make substantial contributions to marketing practices, and that is proof of my extraordinary abilities." The Petitioner, however, must establish that he has already made contributions of major significance. It cannot suffice for him to contend, without evidence, that his unrealized ideas could have such significance in the future.

When he filed the petition, he singled out the app and the [redacted] as examples of his most significant contributions. Only on appeal, after the Director twice noted the absence of corroborating documentary evidence, has the Petitioner acknowledged that neither of these ideas actually came to fruition. The Petitioner's more modest claims on appeal do not resolve the credibility issues arising from the Petitioner's earlier claims.

The Petitioner asserted that his "insights and strategies have been sought by" various [redacted] government agencies, but the evidence consists of a series of letters that the Petitioner sent to various ministries, containing various suggestions. For instance, in a letter to [redacted] the Petitioner offered suggestions on addressing traffic congestion in [redacted] reforms on vehicle purchases and sales, and a complaint that law enforcement officers appeared to be targeting vehicles with foreign license plates. The Petitioner did not support his claim that the [redacted] government solicited these suggestions. More significantly, the Petitioner has not shown that the [redacted] government implemented his suggestions. Without such evidence, there is no basis to conclude that the Petitioner's suggestions are original contributions of major significance.

The [redacted] recognized the Petitioner with a [redacted] concerning "Placing the Bank's Advertisement on the ATM Screen." The Petitioner stated that he developed the "groundbreaking concept to drive credit card sales through the screens of ATMs," but he did not establish the major significance of this innovation, either to the [redacted] or, more importantly, to the field as a whole.

In 2016, the Petitioner wrote an opinion piece published in [redacted] warning readers not to be deceived by "a proliferation of unrealistic real estate opportunities." The Petitioner did not explain how this article, which offers general advice such as hiring an attorney to assist with transactions and visiting a property before purchasing it, amounts to an original contribution of major significance.

In response to the RFE, the Petitioner stated that his "authored article published in [redacted] led to interests from [redacted] . . . as well as other interests, see ***Exhibit 11-15 (original submission)***." As noted above, the Petitioner's [redacted] article provides general advice regarding international real estate transactions. The communication from [redacted] shown in initial exhibit 15, does not mention

the [redacted] article. The company's email message is very general, reading, in part: "You're really successful in business field! I confirm with my leaders and I want to tell you about our plans . . . to start business in Turkey." The Petitioner cited no evidence to show what, if anything, resulted from his interaction with [redacted].

Initial exhibits 11-14 relate to the Petitioner's own activities in international real estate; his participation at a 2024 gathering of influencers; and an invitation to submit a "suggested conference topic . . . along with [his] LinkedIn profile or CV" to a then-upcoming [redacted] The Petitioner did not explain how, or demonstrate that, his [redacted] article "led to" his involvement in the other activities as he specifically claimed. The record does not show that the Petitioner actually spoke at the [redacted] nor does it reveal whether the solicitation to submit conference topics was narrowly tailored or broadly distributed throughout the industry. The request that suggested submissions include CVs or [redacted] profiles does not suggest that the organizers were already familiar with details of the Petitioner's background when they sent out the invitation. The submitted materials show that the Petitioner has been active in his industry but they do not establish that his contributions have been particularly influential, widely implemented, or otherwise of major significance.

The letter from an [redacted] official, discussed further above, is one of several letters in the Petitioner's RFE response that contain claims that the record does not support. As another example, an investment services consultant asserted that the Petitioner's "authority was so esteemed that his photograph was used to publicize the prominence of" [redacted] The Petitioner does appear, unnamed, in a group photograph published before the event occurred, but the Petitioner did not submit first-hand evidence to support claims about the significance of the use of this photograph, and the writer did not establish first-hand knowledge of the process by which the photograph was chosen. The author of the letter did not claim to be an organizer of the 2019 event or an official of the entities that published the photograph in advance of the event.

In the denial notice, the Director discussed the Petitioner's claims and quoted from submitted letters, and concluded that the Petitioner had not submitted objective evidence to support and corroborate general assertions about the significance of the Petitioner's contributions. On appeal, the Petitioner protests that the Director did not give more weight to the letters, and should have deferred to the expertise of the writers. We have explained above that, in the absence of corroborating evidence, the claims in the letters have negligible credibility and weight as evidence.

We agree with the Director that the Petitioner has not established the major significance of his original contributions. Furthermore, there are serious questions about the credibility of not only the Petitioner's own assertions, but also those of third parties from whom the Petitioner solicited letters of support.

4. Scholarly Articles

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) calls for evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media.

The Petitioner asserted that his [redacted] opinion piece, discussed further above, is a qualifying scholarly article. The Director concluded that the Petitioner's article "was published in a newspaper meant for the general public" rather than "for learned persons in a given field."

On appeal, the Petitioner asserts:

> The content of the article discusses in-depth the real estate market, highlighting best practices and offering strategic advice to investors on how to avoid fraudulent opportunities in real estate transactions. The article is structured as an educational and advisory piece, offering expert guidance on navigating the complexities of international real estate markets, including key topics such as laws, taxes, market conditions, pricing strategies, and legal verification.
>
> While the article is accessible to the general public, it is written for an educated audience interested in real estate investment and it was published on the economy page[.] It is a professional and advisory article that draws on my profound knowledge and experience in sales and marketing within the real estate industry. The content demonstrates my expertise and serves as an example of how I apply scholarly principles to real-world situations. This aligns with the nature of trade publications and major media that often target professionals in the field, and it directly speaks to my role as an industry expert.

We agree with the Director that the record does not show that the article is scholarly, written for a learned rather than a general audience. The Petitioner's article is very general in tone, offering advice in layperson's terms to "anyone who has a desire to buy international property." The article does not presume that the reader has any prior experience in, or knowledge of, international real estate investment.

The Petitioner has not met the requirements of the criterion.

5. High Salary

The regulation at 8 C.F.R. § 204.5(h)(3)(ix) calls for evidence that the alien has commanded a high salary or other significantly high remuneration for services in relation to others in the field.

The Petitioner's initial submission included no claim to have satisfied this criterion. In response to the RFE, the Petitioner stated:

> In the original petition, we submitted [the Petitioner's] past tax return of two years, [redacted] invoices, invoices from [the Petitioner's] real estate deals; as well as data from Data from Bureau of Labor US; Data from Glassdoor for the salary of Sales and Marketing Specialists; data from Indeed.com for the salary of Sales and Marketing Specialists, see ***Exhibits 28-30 (original submission)***.

Exhibits 28-30 of the original submission consist of a partial copy of the Petitioner's passport; the Petitioner's personal statement; and documentation of the Petitioner's employment history, without any information about his salary or remuneration. The Petitioner initially submitted some invoices and other sales documents relating to his businesses, but these documents show sales figures rather than salary paid to the Petitioner.

In response to the RFE, the Petitioner submitted a translated pay receipt from 2017, indicating that he worked as a "Procurement Specialist (Purchases Representative)," and two salary data printouts. We will discuss the details in these documents further below.

In determining that the Petitioner had not satisfied the requirements of the criterion, the Director stated: "The beneficiary earned an annual salary of KWD 1,633.33 in 2017. . . . However, according to the wage statistics from glassdoor.com . . . the median annual salary for a Procurement Specialist is KWD 6,300."

On appeal, the Petitioner asserts that the Director misread the submitted pay statement. We agree. Nevertheless, the submitted evidence does not meet the Petitioner's burden of proof. The figure on the pay receipt that the Director interpreted as an annual total is actually a partial monthly figure for December 2017. The pay receipt indicates a monthly "Basic Salary" of "1500," plus a "Housing Allowance" of "250," totaling 1,750 per month, or 21,000 per year. The Petitioner states that this figure is substantially higher than the KWD 6,300 average reported by *Glassdoor*.

But the Petitioner also stated that the employer paid him "for [his] work in its subsidiary company in the State of Qatar." Other materials in the record likewise place him in Qatar in 2017. The translated pay document does not specify the currency of the Petitioner's salary. Therefore, the Petitioner has not established that his salary figures are in Kuwaiti dinars rather than Qatari riyals.

Furthermore, the record indicates that a procurement specialist is involved in purchasing, rather than in sales and marketing. The Petitioner submits an article stating: "Sales and procurement are related because they both play a part in fulfilling customer orders," but this article does not establish that a procurement specialist works in the field of sales and marketing. The Petitioner has not submitted evidence of his salary or remuneration in the field of sales and marketing, which is the field in which he claims extraordinary ability.

The Petitioner's evidence is not sufficient to meet his burden of proof regarding the criterion.

In light of the above conclusions, the Petitioner does not meet the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3). Detailed discussion of the one criterion that the Director granted, relating to performing in a leading or critical role for organizations or establishments that have a distinguished reputation, cannot change the outcome of this appeal. Therefore, we reserve discussion on this issue.[1]

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten lesser criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought.

[1] *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach); *see also 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).

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,"); *Visinscaia*, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design"); *Hamal v. Dep't of Homeland Sec. (Hamal II)*, No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021), *aff'd*, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); *see also Hamal v. Dep't of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing *Kazarian,* 596 at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); *Lee v. Ziglar*, 237 F. Supp. 2d 914, 918 (N.D. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for visa as a baseball coach).

Here, the Petitioner has not shown a degree of recognition of his work that rises to the level of sustained national or international acclaim and demonstrates 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 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 and 8 C.F.R. § 204.5(h)(2).

The Petitioner has submitted letters that indicate, usually in general terms, that he has had a significant and wide-ranging impact on his field. The record, however, does not corroborate these claims. Serious credibility issues arise from factors discussed further above, which further diminish the weight of the unsupported claims in the submitted letters. The Petitioner has provided evidence of several years of experience in various occupations, but that evidence does not consistently reflect sustained national or international acclaim at the top of the field as the statute and regulations demand.

The Petitioner has not demonstrated eligibility as an alien of extraordinary ability. We will therefore dismiss the appeal.

ORDER: The appeal is dismissed.