U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37614613

Date: APR. 10, 2025

Appeal of Texas Service Center Decision

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

The Petitioner is a project management specialist who 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 Texas Service Center Director denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding the record did not establish that the Petitioner had a major, internationally recognized award, nor did he demonstrate that he met at least three of the ten regulatory criteria. 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 to U.S. Citizenship and Immigration Services by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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

To qualify under this immigrant classification, the statute requires the filing party demonstrate:

- The alien enjoys extraordinary ability in the sciences, arts, education, business, or athletics;
- They seek to enter the country to continue working in the area of extraordinary ability; and
- The alien's entry into the United States will substantially benefit the country in the future.

Section 203(b)(1)(A)(i)–(iii) of the Act. The term "extraordinary ability" refers only to those 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-step analysis. In the first step, a petitioner can demonstrate international recognition of his or her 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 he or she must provide sufficient qualifying documentation 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).

Where a petitioner meets these initial evidence requirements, we then move to the second step to 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, 1121 (9th Cir. 2010) (discussing a two-step 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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022).

II. ANALYSIS

Because the Petitioner has not indicated or established that he has 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). Before the Director, the Petitioner claimed he met three of the regulatory criteria, but they decided he did not satisfy any of the requirements. On appeal, the Petitioner maintains that he meets the same evidentiary criteria he claimed before the Director. After reviewing all the evidence in the record, we conclude he does not qualify as an alien of extraordinary ability.

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).

This criterion contains several evidentiary elements, all of which must be met to satisfy the regulation. According to the plain language of the regulation the evidence must establish: (1) the alien is the recipient of the prizes or the awards; (2) those accolades are nationally or internationally recognized; and (3) each prize or award is one for excellence in the field of endeavor.

The Petitioner provided a Letter of Recognition from a Kazakhstan city mayor for his services overseeing the safety and security of a hospital. The Director determined that the Petitioner did not meet the requirements of this criterion noting he did not demonstrate this accolade was issued for excellence in his field nor was it a nationally or internationally recognized prize or award. On appeal, the Petitioner essentially argues that because the mayor of a large city issued the letter, this represents the letter's significance. He further noted other correspondence in the record "underscores the substantial impact of [the Petitioner's] leadership" effectively supporting his position that the letter was qualifying under this criterion.

National and international recognition results, not from the individual who signed the prize or the award, but through the awareness of the accolade in the eyes of the field nationally or internationally. This recognition should be evident through specific means; for example but not limited to, national or international-level media coverage. In comparison, the President of the United States signs letters of appreciation for retiring military or Department of Defense civilian personnel.[1] However, the simple

[1] *Presidential Letter of Appreciation*, Executive Services Directorate (Apr. 10, 2025), https://www.esd.whs.mil/CMD/ploa/. Similarly, the presidential physical fitness award is not a nationally or

fact that an individual in a position of authority signs a document, does not transform the document into a nationally or internationally recognized item.

The fact the Letter of Recognition was issued by a local government official does not prove that the correspondence is nationally recognized. The Petitioner provided no evidence that the mayoral letter was publicly awarded or reported on, and the record does not show that any recognition went beyond the two involved parties. Here, the Petitioner has not submitted evidence that satisfies this criterion's requirements.

Accordingly, we agree with the Director that the evidence does not establish that the Petitioner meets this criterion.

B. We Reserve the Petitioner's Remaining Eligibility Claims

While he argues and submits evidence for two additional criteria on appeal relating to contributions of major significance at 8 C.F.R. § 204.5(h)(3)(v) and his performance in a leading or critical role at 8 C.F.R. § 204.5(h)(3)(viii), it is unnecessary that we make a decision on these additional grounds because he cannot numerically meet the required number of criteria. As the Petitioner cannot fulfill the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3), we reserve the remaining issues. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision)); *see also Matter of Larios-Gutierrez De Pablo & Pablo-Larios*, 28 I&N Dec. 868, 877 n.8 (BIA 2024) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

It is also unnecessary that we 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 finding that the Petitioner has established the acclaim and recognition required for the classification sought.

III. CONCLUSION

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.

internationally recognized award for excellence in athletics. Rather, it represents students reaching the 85th percentile in certain physical activities. *Get Fit!*, President's Council on Physical Fitness and Sports (Apr. 10, 2025), https://www.govinfo.gov/content/pkg/GOVPUB-HE20-PURL-LPS39913/pdf/GOVPUB-HE20-PURL-LPS39913.pdf.