U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42221056

Date: APR. 15, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (Advanced Degree)

The Petitioner, a car manufacturer, seeks to employ the Beneficiary as a senior associate on its corporate development and global mergers and acquisitions team. The company requests his classification under the employment-based, third-preference (EB-3) immigrant visa category as a "professional." *See* Immigration and Nationality Act (the Act) section 203(b)(3)(A)(ii), 8 U.S.C. § 1153(b)(3)(A)(ii). Businesses may sponsor aliens for U.S. permanent residence in this category to work in jobs requiring at least bachelor's degrees. *Id.*

Service Center Operations (SCOPS) denied the petition. SCOPS found the Beneficiary eligible for the requested EB-3 classification and the offered job. But SCOPS concluded that the Petitioner did not demonstrate the Beneficiary's qualifications for designation as an alien of "exceptional ability" under the U.S. Department of Labor's (DOL's) Schedule A, Group II. *See* 20 C.F.R. § 656.5(b)(1). On appeal, the Petitioner contends that SCOPS overlooked and mischaracterized evidence.

The Petitioner bears the burden of demonstrating eligibility for the requested benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Exercising de novo appellate review, *see Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015), we conclude that the company has not established the Beneficiary as an alien of exceptional ability under Schedule A, Group II. We will therefore dismiss the appeal.

I. LAW

Immigration as a professional usually follows a three-step process. First, a prospective employer must obtain DOL certification that: there are insufficient U.S. workers able, willing, qualified, and available for the offered job; and an alien's employment in the job would not harm the wages or working conditions of U.S. workers similarly employed. *See* section 212(a)(5)(A)(i) of the Act, 8 U.S.C. § 1182(a)(5)(A)(i). If DOL approves a job for an alien, a prospective employer must next submit the certified labor application with an immigrant visa petition to U.S. Citizenship and Immigration Services (USCIS). Section 204(a)(1)(F) of the Act, 8 U.S.C. § 1154(a)(1)(F). Finally, if USCIS grants a petition, an alien beneficiary may apply abroad for an immigrant visa or, if eligible, for adjustment of status in the United States. *See* section 245(a) of the Act, 8 U.S.C. § 1255(a).

DOL, however, has already determined that the United States lacks sufficient "aliens of exceptional ability in the sciences or arts" and that employment of aliens in these Schedule A occupations would not harm wages or working conditions of U.S. workers in similar jobs. 20 C.F.R. § 656.5(b)(1). Thus, businesses seeking to employ aliens in Schedule A occupations need not advertise the jobs to U.S. workers, and DOL authorizes USCIS to adjudicate applications for Schedule A designation in immigrant visa petition proceedings. 20 C.F.R. § 656.15(a). Therefore, in this matter, USCIS rules not only on the immigrant visa petition, but also on its accompanying Schedule A application. *See* 20 C.F.R. § 656.15(e) (describing USCIS determinations in Schedule A applications as "conclusive and final"). As with other petitions requiring job offers, this filing must also include evidence that the prospective U.S. employer has the ability to pay the proffered wage. 8 C.F.R. § 204.5(g)(2).

II. ANALYSIS

A. The Beneficiary and His Field

The record shows that the Beneficiary earned bachelor of engineering and master of finance degrees from universities in his native country of Russia. A U.S. university also issued him a master of business administration degree in management science. He worked for more than eight years for Russian banks in various capacities, including as a: corporate credit risk analyst; senior analyst; credit officer; credit manager; and head of projects.

Since July 2021, the Petitioner has employed the Beneficiary in the United States. He began as a senior treasury analyst and, since February 2024, has worked in the offered senior associate job. The offered job involves facilitating investment and project financing in the battery supply chain for electric vehicles. He makes strategic investments and supply chain agreements, provides financial analysis for investment projects, and develops sustainable financing frameworks.

B. EB-3 Classification

The record supports SCOPS' finding that the Beneficiary qualifies for EB-3 classification as a professional. *See* section 203(b)(3)(A)(ii) of the Act. The record shows that the offered job requires at least a bachelor's degree and that the Beneficiary has at least a bachelor's degree in a qualifying field.

C. Aliens of Exceptional Ability Under Schedule A Group II

A petition for a professional must include an individual labor certification from DOL or an application for Schedule A designation. 8 C.F.R. § 204.5(l)(3)(i). A Schedule A, Group II application for an alien of exceptional ability in the sciences or arts must show "the widespread acclaim and international recognition accorded the alien by recognized experts in the alien's field." 20 C.F.R. § 656.15(d)(1). An employer must also document that "the alien's work in that field during the past year did, and the[ir] intended work in the United States will, require exceptional ability." *Id.* Further, the requested classification requires submission of at least two of the following seven types of evidence, showing that the alien:

- Received internationally recognized prizes or awards for excellence in their field;

- Held membership in international associations in the field requiring outstanding achievement of their members, as judged by recognized international experts in their disciplines or fields;
- Was the subject of published material in professional publications about them and their work in their field;
- Participated as a judge of others' work in the same or an allied field;
- Made original scientific or scholarly research contributions of major significance in their field;
- Authored published scientific or scholarly articles in the field in international professional journals or professional journals with international circulation; or
- Had their work in the field displayed at artistic exhibitions in multiple countries,

20 C.F.R. § 656.15(d)(1)(i)-(vii).

Congress intended the exceptional ability standard for Schedule A, Group II to be less restrictive than the "extraordinary ability" standard under the employment-based, first preference (EB-1) immigrant visa category at section 203(b)(1)(A) of the Act, but more restrictive than the "exceptional ability" standard under the EB-2 category. *See* Final Rule for Employment-Based Immigrants, 56 Fed. Reg. 60897, 60898 (Nov. 29, 1991).

1. The Evidentiary Criteria

The record supports SCOPS' finding that the Petitioner submitted evidence of the Beneficiary's participation as a judge of others' work in his field. *See* 20 C.F.R. § 656.15(d)(1)(iv). As discussed below, however, we disagree with SCOPS' finding that the company provided published material about the Beneficiary and his work in his field. *See* 20 C.F.R. § 656.15(d)(1)(iii).

a. Published Material about the Beneficiary

This criterion requires "[p]ublished material in professional publications about the alien, about the alien's work in the field for which certification is sought, which shall include the title, date, and author of such published material." 20 C.F.R. § 656.15(d)(1)(iii).

The Petitioner submitted copies of two articles, one of which the Beneficiary wrote. The article that the Beneficiary wrote appeared on a financial news website in 2025 and does not meet this criterion. Although the Beneficiary authored the article, it is not about him and his work in his field. Rather, it is about tax equity and transferrable tax credits in renewable energy projects. *See* 20 C.F.R. § 656.15(d)(1)(iii) (requiring published material "about the alien, about the alien's work in the field").

The other article appeared in a Russian magazine and asks the Beneficiary questions about electric vehicles. The Petitioner, however, has not provided any additional information about the magazine. The company therefore has not established the publication as a "professional publication." *See* 20 C.F.R. § 656.15(d)(1)(iii) (requiring "[p]ublished material in professional publications").

Also, the record does not demonstrate that the Russian magazine article is about the Beneficiary's work in his stated field of electric vehicle financing. The article, published in April 2025, asks him questions about electric vehicles. But the questions are general, rather than financial, in nature. For

example, the article asks him: "What are the different types of electric vehicles?" "Do electric cars have real advantages?" and "How long does an electric car charge on average?"

The Petitioner has not submitted published material in professional publications about the Beneficiary and his work in his field. We will therefore withdraw SCOPS' contrary finding.

The Petitioner has now met one of the seven evidentiary criteria – one less than required for the petition's approval. We will therefore consider whether the company satisfies additional evidentiary requirements as it has claimed.

b. Prizes or Awards

To meet this requirement, a petitioner must submit "[d]ocumentation of the alien's receipt of internationally recognized prizes or awards for excellence in the field for which certification is sought." 20 C.F.R. § 656.15(d)(1)(i).

The Petitioner first submitted evidence that the Beneficiary received various awards within the company between 2021 and 2024. The most recent award states its issuance for his "great job" in analyzing financial metrics of the Petitioner's potential partners in its transition to electric vehicles.

As SCOPS found, however, the record does not indicate international recognition of these awards. The Petitioner has not demonstrated that anyone outside the company knows of them. *See* 20 C.F.R. § 656.15(d)(1)(i) (requiring receipt of "internationally recognized prizes or awards".)

In response to SCOPS' notice of intent to deny the petition, the Petitioner submitted information about a Russian national business award and an award for grading chartered financial analyst examinations. As SCOPS found, however, the record lacks evidence that the Beneficiary received either award.

The Petitioner did not submit documentation of the Beneficiary's receipt of internationally recognized prizes or awards for excellence in his field. We will therefore affirm SCOPS' finding.

c. Association Memberships

This criterion requires "[d]ocumentation of the alien's membership in international associations, in the field for which certification is sought, which require outstanding achievement of their members, as judged by recognized international experts in their disciplines or fields." 20 C.F.R. § 656.15(d)(1)(ii).

The Petitioner submitted evidence of the Beneficiary's membership in an institute for chartered financial analysts. The evidence indicates that candidates for institution membership must have bachelor's degrees or experience in the field, and pass three professional examinations.

SCOPS found that the Petitioner did not demonstrate that the financial analyst institute requires "outstanding achievement of [its] members, as judged by recognized international experts." *See* 20 C.F.R. § 656.15(d)(1)(ii). SCOPS stated: "While these accomplishments may indicate professional skill and ability, they do not represent outstanding achievements as required."

The record supports SCOPS' finding. The materials about the institute do not demonstrate that passage of the exams constitutes an outstanding achievement or that recognized international experts judge members. In the context of a similar evidentiary requirement for aliens with "extraordinary ability" under section 203(b)(1)(A) of the Act, a U.S. district court made similar findings about the same financial analysts institute. *See Nelson v. USCIS*, No. CV 21-10334-LTS, 2022 WL 20583561, at *5 (D. Mass. June 15, 2022) (stating that the criterion "demands membership in an organization that requires 'outstanding achievement' as judged by experts, and not merely membership in selective organizations in the field".)

The Petitioner did not submit documentation of the Beneficiary's membership in associations in the field requiring outstanding achievement of their members as judged by recognized international experts. We will therefore affirm SCOPS' finding.

d. Original Contributions of Major Significance

To meet this requirement, a petitioner must submit "[e]vidence of the alien's original scientific or scholarly research contributions of major significance in the field for which certification is sought." 20 C.F.R. § 656.15(d)(1)(v).

The Petitioner submitted a copy of a 2025 business case study that the Beneficiary co-authored with a U.S. university professor of finance. The university where the professor works published the 19-page case study. On appeal, the Petitioner asserts that the study "has international distribution and adoption in professional education, shaping curricula and practitioner training across more than 130 countries."

The record, however, lacks evidence of the case study's purported international distribution. Information about the university publisher states that it has "sales in over 130 countries." But the Petitioner has not demonstrated that the case studied has been distributed internationally. Even if the study received international distribution, the Petitioner has not demonstrated its "major significance" in the Beneficiary's field. On the bottom of its first page, the published case study states that "[i]t was written as a basis for class discussion." The company has not explained how the study has major significance in the Beneficiary's field. Further, the case study concerns capital management in the solar panel industry. Thus, the Petitioner has not demonstrated that the study relates to the Beneficiary's field. *See* 20 C.F.R. § 656.15(d)(1)(v) (requiring evidence of contributions of major significance "in the field for which certification is sought").

The Petitioner has not submitted evidence of the Beneficiary's original scientific or scholarly research contributions of major significance in his field.

e. Authorship of Scholarly Articles

This criterion requires "[e]vidence of the alien's authorship of published scientific or scholarly articles in the field for which certification is sought, in international professional journals or professional journals with an international circulation." 20 C.F.R. § 656.15(d)(1)(vi).

To meet this requirement, the Petitioner again relies on the business case study that the Beneficiary co-authored. The company, however, has not demonstrated that the case study appeared "in

international professional journals or professional journals with an international circulation." *See* 20 C.F.R. § 656.15(d)(1)(vi). The record contains a copy of only the 19-page case study. The record does not indicate the study's inclusion in an international professional journal or a professional journal with an international circulation.

Also, as previously discussed, the Petitioner has not demonstrated that the case study relates to the Beneficiary's field. *See* 20 C.F.R. § 656.15(d)(1)(vi) (requiring authorship of articles "in the field for which certification is sought").

The record does not demonstrate the Petitioner's satisfaction of any additional evidentiary criteria. Thus, the company has met only one of the seven evidentiary criteria – one less than required.

2. Widespread Acclaim and International Recognition

The Petitioner contends that, in finding insufficient evidence of the Beneficiary's receipt of widespread acclaim and international recognition by recognized experts in his field, SCOPS "overlook[ed] objective documentation demonstrating international recognition by independent editorial bodies and globally representative professional programs." The company points to three types of evidence:

- Letters from a Russian scientific journal inviting the Beneficiary to review scientific manuscripts from other researchers as "a prominent expert in the field of strategic and project financing, corporate development, and investments" and confirming his review of more than 20 manuscripts;
- A letter from a nonprofit that supports the growth of clean technology startups, confirming the Beneficiary's participation as an "expert reviewer" for a competitive grant program that the group co-administered; and
- A letter from a nonprofit that provides global finance education to investment professionals, confirming the Beneficiary's selection as one of 405 graders from 57 countries of a chartered financial analyst (CFA) examination.

The record does not demonstrate that the Beneficiary's recognition as an "expert reviewer" for the competitive grant program was international in nature. But we agree with the Petitioner that the other evidence demonstrates the Beneficiary's receipt of some acclaim and international recognition by experts in his field.

The Petitioner argues that SCOPS erred in finding that these reviewing activities are "common" for professionals in the Beneficiary's field. The company states:

> [T]he inquiry is not whether the activity class is common in the abstract – it is whether, in this record, recognized expert and independent reputable bodies relied upon [the Beneficiary]'s expertise at an international level. In this case, the reliance is both widespread and international because it reflects sustained selection by multiple gatekeeping institutions across borders, repeated engagements over time, and impact on global publication and credentialing outcomes.

The Petitioner, however, has not demonstrated the Beneficiary's receipt of widespread acclaim. The word "widespread" ordinarily means "widely diffused or prevalent." *Widespread*, Merriam-Webster.com, www.merriam-webster.com. The company points to only three evidentiary types of acclaim, and the evidence indicates that he engaged in all the activities in 2025, which would not constitute "widely diffused" or "prevalent."

The Petitioner has not demonstrated the Beneficiary's receipt of widespread acclaim and international recognition from recognized experts in his field. We will therefore affirm the petition's denial on this ground.

3. Exceptional Ability

SCOPS found insufficient evidence that the Beneficiary's work during the prior year required exceptional ability or that his future work would require such ability. The Petitioner had argued that his past and future work for it required a CFA credential and that evidence of rigorous CFA requirements and low pass rates show that the offered job has and would require exceptional ability. SCOPS, however, noted that the offered job's requirements on the Petitioner's PWD application omit a CFA credential. SCOPS stated:

> While the provided descriptions of the beneficiary's role appear to show an inherent requirement of familiarity and skill with certain technical aspects surrounding financial planning and modeling, the record does not indicate that the beneficiary's work required and will require exceptional ability.

On appeal, the Petitioner contends that its PWD application did not need to list a CFA credential as a requirement of the offered job. The company states:

> USCIS' suggestion that the ETA forms do not list the CFA as a 'hard requirement' conflates PERM minimums with Schedule A, Group II's distinct inquiry into whether the actual work requires exceptional ability as performed. The regulation asks whether the beneficiary's past-year work did, and intended work will, require exceptional ability; it does not restrict the analysis to PERM minimums or to a formal, single-credential checkbox. The preponderance of the evidence – including the documented complexity, global financial standards context, and credential benchmarking – establishes that the role requires exceptional ability.

The Petitioner, however, has not sufficiently explained the omission of a CFA credential as a requirement of the offered job. Under a DOL regulation, "[t]he job requirements, as described, must represent the employer's actual minimum requirements for the job opportunity." 20 C.F.R. § 656.17(i)(1). If the offered job requires a CFA, the company should have listed it as a requirement on its PWD application.

The Petitioner has not demonstrated that the Beneficiary's past-year work did, and his intended work would, require exceptional ability. For this additional reason, we will affirm the petition's denial.

D. The Beneficiary's Qualifications for the Offered Job

The record also does not support SCOPS' finding that the Beneficiary qualifies for the offered job.

A petitioner must demonstrate that a beneficiary met an offered job's requirements by a petition's priority date. *Matter of Wing's Tea House*, 16 I&N Dec. 158, 160 (Acting Reg'l Comm'r 1977). This petition's priority date is September 15, 2025, the date of the petition's filing. *See* 8 C.F.R. § 204.5(d) (explaining how to determine a petition's priority date).

When assessing a beneficiary's qualifications, USCIS must examine the job-offer portion of an accompanying labor certification or Schedule A application to determine a job's minimum requirements. USCIS may neither ignore an application's term nor impose unstated requirements. *See, e.g., Madany v. Smith*, 696 F.2d 1008, 1015 (D.C. Cir 1983).

The Petitioner's application for prevailing wage determination (PWD)[1] states the minimum requirements of the offered senior associate job as a bachelor's degree in business administration, business management, finance or a related field, plus three years' experience in a related occupation. Also, under "Special Skills and Other Requirements," the PWD application also states that the job requires:

> Three (3) years of experience with the following: Financial modeling including building forecasts, sensitivity analysis, and identifying growth levers and risks using Microsoft Excel and Capital IQ. Business case development including business drivers, areas of growth and risk, and aligning corporate strategy to business execution. Project management; Negotiating M&A and commercial arrangements against sophisticated third parties. Performing data analysis using Microsoft Excel, PowerBI, SPGloabi, HIS Markit; and Contract structuring including optimizing deal outcomes, potential acquisitions, minority investments, and business partnership.

To support a beneficiary's qualifying experience, a petitioner must submit letters from employers. 8 C.F.R. § 204.5(l)(3)(ii)(A). The letters must include the employers' names, addresses, and titles, and describe a beneficiary's experience. *Id.*

The Petitioner submitted letters from company officials and a letter from a managing director of a Russian bank where the Beneficiary worked for about six years. The letters describe the Beneficiary's duties with the Petitioner and the bank. But the letters do not state his experience with all the tasks and skills listed under "Special Skills and Other Requirements" on the PWD application. Specifically, the letters do not indicate that he performed data analysis using SPGloabi or HIS Markit. The Petitioner therefore has not demonstrated the Beneficiary's qualifications for the offered job.

[1] Effective June 1, 2023, DOL required petitioners to electronically file permanent labor certification applications using its Foreign Labor Application Gateway (FLAG) system, which contains a revised Form ETA-9089. DOL no longer uses Form ETA-9089 to collect information about the minimum requirements of the job opportunity. Instead, employers now provide that information on the Application for Prevailing Wage Determination (Form ETA-9141). *See generally* 6 *USCIS Policy Manual* E.6(A)(2).

SCOPS did not notify the Petitioner of this evidentiary discrepancy. We therefore will not base this decision on it. In any future filings in this matter, however, the company must submit evidence showing that, by the petition's priority date, the Beneficiary had experience with the tasks and skills listed under "Special Skills and Other Requirements" on the PWD application.

III. CONCLUSION

The Beneficiary qualifies for EB-3 classification. But the Petitioner did not demonstrate his eligibility for the requested designation under Schedule A, Group II. We will therefore affirm the petition's denial.

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.