U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42200442

Date: APR. 15, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a mountaineer in the field of mountaineering athletics, 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 (EB-1) classification makes immigrant visas available to aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their fields through extensive documentation.

Service Center Operations (SCOPS) denied the petition, concluding that the record did not establish the Petitioner had satisfied at least three of ten initial evidentiary criteria. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. On appeal, the Petitioner maintains the evidence supports her eligibility for the EB-1 classification.

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 visas available to aliens 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). *See also Onaghise v. Dep't of*

Homeland Sec., No. 3:20-CV-03033-X, 2022 WL 4073344, at *2 (N.D. Tex. Sept. 2, 2022) ("EB-1 petitions, nicknamed Einstein visas, are coveted visas reserved for only the most talented noncitizens with extraordinary ability in the sciences, arts, education, business, or athletics"). 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 recognition of the beneficiary's 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 ten 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). Additionally, if the criteria at 8 C.F.R. § 204.5(h)(3) do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility. 8 C.F.R. § 204.5(h)(4).

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 beneficiary 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

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). SCOPS decided that the Petitioner satisfied two criteria relating to lesser recognized awards and a leading or critical role at 8 C.F.R. §§ 204.5(h)(3)(i) and (viii), respectively, but did not satisfy any of the remaining claimed criteria relating to membership, published material, contributions, and display at 8 C.F.R. §§ 204.5(h)(3)(ii), (iii), (v), and (vii), respectively. After reviewing all the evidence in the record, we conclude that the Petitioner has not demonstrated eligibility for this highly restrictive immigrant classification. While we may not address each piece of evidence individually, we have reviewed and considered each one.

1. "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).

In order to fulfill this criterion, the Petitioner must first demonstrate that she was the recipient of prizes or awards. *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. Second, the award must be a lesser nationally or internationally recognized prize or award, which the Petitioner received for excellence in the field of endeavor. *Id.* Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include: (1) the criteria used to grant the awards or prizes, (2) the national or international significance of the awards or prizes in the field, (3) the number of awardees or prize recipients, and (4) limitations on competitors. *Id.*

SCOPS determined that the Petitioner established eligibility for this criterion. A review of the record of proceeding, however, does not reflect that the Petitioner submitted sufficient documentary evidence establishing that she meets the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(i). Therefore, we withdraw SCOPS' favorable determination regarding this criterion.

The Petitioner claims eligibility for this criterion based on [redacted] 2024 from [redacted], an outdoor adventure sports club in Bangladesh, "for her exceptional contribution in extreme sports." The record includes a copy of the [redacted] 2024 trophy and promotional materials of two companies that sponsored the Petitioner's expeditions. The Petitioner also submitted an endorsement letter from the chairperson of [redacted], which affirms that "as the first Bangladeshi woman to conquer several high-altitude summits, [the Petitioner] has overcome significant societal and logistical challenges." The letter further states that "one of [the Petitioner's] remarkable achievements is conquering [redacted] (7,045m / 23,113ft) in [redacted] China," and "in recognition of this extraordinary feat, [redacted] Outdoor Education proudly honored her with the [redacted] 2024."

In addition, the Petitioner claims eligibility for this criterion based on her receipts of participation certificates and a course completion certificate. The record includes a certificate from [redacted], a mountaineering club in Bangladesh, "for summitting [redacted] as first Bangladeshi woman." The record also includes a certificate of participation issued by the director of [redacted] of India for the Petitioner's participation in the international youth exchange program between India and Bangladesh in 2022. The Petitioner also submitted a certificate of successful ascent from the [redacted] for her summit of [redacted] in 2021, a course completion certificate from the [redacted] in India, and a certificate from the [redacted] for her summit of [redacted] in 2018.

The Petitioner's various certificates show that she conquered several high-altitude summits as the first Bangladeshi woman from 2018 to 2024, participated in a youth exchange program in 2022, and completed a course in a mountaineering institute in India in 2021. While the certificates reflect the Petitioner's professional achievements as a mountaineer, the record does not establish that the Petitioner has received the certificates for excellence in her field. *See* 8 C.F.R. § 204.5(h)(3)(i). Rather, they show that she received the certificates for her completion of various summits, participation in a youth exchange program, and completion of a mountaineering course.

Regarding the [redacted] 2024, a letter from the chairperson of [redacted] provides that "every year, [they] present the [redacted] Award in recognition of special contributions in the world of mountaineering," "the award is given for outstanding achievements in the field," "nominations are reviewed by experienced program leaders and senior mountaineers," and "only one award is given each year." While this letter establishes that the award is given for outstanding achievements in the field, and nominations are reviewed by program leaders and senior mountaineers, the Petitioner has not provided sufficient evidence to establish the national or international significance of the award in the field of mountaineering athletics or that that the awards are nationally or internationally recognized for excellence in the field of endeavor. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1).

Without sufficient documentary evidence reflecting the national or international recognition for excellence of the award and certificates, it is insufficient to conclude that the award and certificates are nationally or internationally recognized for excellence in the field consistent with the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(i). Accordingly, the Petitioner does not meet this criterion.

2. "Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." 8 C.F.R. § 204.5(h)(3)(ii).

In order to satisfy this criterion, the Petitioner must show that the association for which she claims present or past membership requires that members have outstanding achievements in the field, as judged by recognized experts in that field. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). Associations may have multiple levels of membership, and the level of membership afforded to the person must show that in order to obtain that level of membership, recognized national or international experts judged the person as having attained outstanding achievements in the field for which classification is sought. *Id.* Relevant factors that may lead to a conclusion that the person's membership in the associations was not based on outstanding achievements in the field include instances where the person's membership was based on a level of education or years of experience in a particular field, the payment of a fee or by subscribing to an association's publication, or a requirement for employment in certain occupation, as commonly seen with union membership or guild affiliation for actors. *Id.*

The Petitioner claims eligibility for this criterion based on her membership in the [redacted] club in Bangladesh. The Petitioner contends that SCOPS "failed to give proper weight to the letter from the [redacted] President who expressly noted that [her] outstanding achievements led her to secure a position on the club's five-member expedition team." A letter from the president of [redacted] states that the Petitioner was a member of [redacted] from 2014 to 2019 and that [redacted] maintains a small expedition team that is limited to highly accomplished climbers with verified high altitude results, formal technical training, and strong peer evaluations. [The Petitioner] was selected to this team after review of her [redacted] record and technical proficiency."

While the letter from the president of [redacted] verifies the Petitioner's membership in [redacted], it does not establish that her membership in the club requires outstanding achievements of their members, as judged by recognized national or international experts in their fields. *See* 8 C.F.R. § 204.5(h)(3)(ii). The letter shows that the Petitioner was selected to the expedition team of [redacted] based on her [redacted] record" and "technical proficiency." It does not indicate that the club requires outstanding achievements of its expedition members or that recognized national or international experts judged her as having attained outstanding achievements in the field. *See id.* Completion of formal technical training and possession of relevant professional experience and technical proficiency are not "outstanding achievements, as judged by recognized national or international experts in their fields." *See id.*

As the Petitioner has not demonstrated that she is a member of associations in the field of mountaineering athletics, which require outstanding achievements of their members, as judged by recognized national or international experts in the field, she does not meet this criterion. *See id.*

3. "Evidence of the display of the alien's work in the field at artistic exhibitions or showcases." 8 C.F.R. § 204.5(h)(3)(vii).

SCOPS determined that the Petitioner did not establish eligibility for this criterion. In the Petitioner's brief submitted on appeal, she did not contest the findings of SCOPS for this criterion or offer additional arguments. Therefore, the Petitioner abandoned this issue. *See Sepulveda v. U.S. Att'y Gen.*, 401 F.3d 1226, 1228 n. 2 (11th Cir. 2005); *Hristov v. Roark*, No. 09-CV-27312011, 2011 WL 4711885, at *1, *9 (E.D.N.Y. Sept. 30, 2011) (finding the plaintiff's claims to be abandoned as he failed to raise them on appeal). Accordingly, the Petitioner does not meet this criterion.

4. "Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." 8 C.F.R. § 204.5(h)(3)(viii).

First, we determine whether the Petitioner has performed in a leading or critical role for an organization or establishment. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). For a leading role, we look at whether the evidence establishes that the Petitioner was a leader within the organization or establishment or a division or department thereof. *Id.* For a critical role, we look at whether the evidence establishes that the Petitioner has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. *Id.*

Second, we determine whether the organization or establishment for which the Petitioner held a leading or critical role has a distinguished reputation. *Id.* The relevant size or longevity of an organization or establishment is not a determining factor but is considered together with other information to determine whether a distinguished reputation exists. *Id.* Other relevant factors for evaluating the reputation of an organization or establishment include the scale of its customer base or relevant media coverage. *Id. Merriam-Webster.com Dictionary* defines "distinguished" as "marked by eminence, distinction, or excellence" or "befitting an eminent person." *Distinguished*, Merriam-Webster.com, www.merriam-webster.com.

SCOPS determined that the Petitioner established eligibility for this criterion. A review of the record of proceeding, however, does not reflect that the Petitioner submitted sufficient documentary evidence establishing that she meets the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(viii). Therefore, we withdraw SCOPS' favorable determination regarding this criterion.

The Petitioner claims that she has performed in a leading or critical role for organizations that have a distinguished reputation based on her receipt of [redacted] 2024 from [redacted] and participation in [redacted] expedition team. Regarding her role for [redacted] the Petitioner asserts that [redacted] has a distinguished reputation as an expedition and training body in Bangladesh," and [redacted] conferred the 2024 [redacted] to [her] for [her] historic [redacted] summit." However, the documentary evidence does not reflect that the Petitioner has performed in a leading or critical role for Rope4. *See* 8 C.F.R. § 204.5(h)(3)(viii). Rather, it shows that the Petitioner has received an award

from [redacted], and [redacted] is the awarding organization for the award. Additionally, the Petitioner has not established that [redacted] has a distinguished reputation. *See id.* A letter from the chairperson of [redacted] explains that [redacted] is a famous outdoor adventure sports club in Bangladesh," "it is considered the most important club in Bangladesh for mountain summit expeditions both domestically and internationally," and "[i]n 2024 and 2025[,] [they] were the host o[redacted] Summit." While the letter claims that [redacted] is considered the most important club in Bangladesh for mountain summit expeditions, the Petitioner has not provided, for instance, sufficient independent, objective documentary evidence distinguishing [redacted] from other outdoor adventure sports clubs, so as to establish that it has a distinguished reputation pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(viii).

With respect to her role for [redacted] the Petitioner claims that [redacted] is the first mountaineering club in Bangladesh and is widely recognized as the most prestigious," and "[she was selected] to [its expedition] team based on [her] expedition record and formal training." However, the record does not establish that the Petitioner has performed in a leading or critical role for [redacted] and that [redacted] has a distinguished reputation. *See id.* A letter from the president of [redacted] explains that as a member of [redacted] expedition team, the Petitioner "has carried responsibilities that are central to expedition outcomes. Her responsibilities include technical leadership on route choice and protection, planning for risks and safety on mixed rock and ice terrain, team preparedness and acclimatization plans, and post expedition reporting that informs their training curriculum. Her guidance has influenced summit strategy, safety compliance, and resource allocation for team members under demanding conditions."

While the letter of the president of [redacted] provides the Petitioner's responsibilities and contributions to [redacted] expedition team, it does not sufficiently demonstrate that the Petitioner was a leader within [redacted] or its expedition team or that the Petitioner has contributed in a way that is of significant importance to the outcome or standing of the organization as a mountaineering organization or the success of its activities. *See generally* 6 *USCIS Policy Manual, supra*, at F.2(B)(1). In addition, while the letter claims that [redacted] is a distinguished mountaineering organization," the record lack sufficient independent, objective documentary evidence to substantiate the claim or to distinguish [redacted] from other mountaineering organizations, so as to establish that it has a distinguished reputation pursuant to the regulation at 8 C.F.R. § 204.5(h)(3)(viii).

The Petitioner also provided recommendation letters from various individuals. A letter from a former [redacted] in Bangladesh states that the Petitioner "became the first Bangladesh woman to summit multiple technically challenging [redacted] peaks," and her contributions "advanced Bangladesh's visibility on the international stage and elevated the credibility of South Asian women in the global [redacted] arena." A letter from a member of [redacted] in Bangladesh states that in 2021, the Petitioner "achieved the extraordinary accomplishment of conquering [redacted] peak," and "[s]he has become a source of inspiration to millions in Bangladesh, especially the youth, by demonstrating that courage, perseverance, and ambition can propel a Bangladeshi woman to international acclaim in one of the world's most demanding fields." Another member [redacted] Bangladesh expresses that "[b]y scaling peaks of international renown and setting records, [the Petitioner] has elevated Bangladesh's presence on the global stage of adventure sports." Another member [redacted] Bangladesh asserts that the Petitioner's "accomplishments are of exceptional merit. Her persistence, courage, and unwavering spirit have not only established her reputation as one of the Bangladesh's leading [redacted] but have also brought great pride to our constituency and to the nation at large."

The opinions of the Petitioner's references are not without weight and have been duly considered. We may, in our discretion, use advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we are ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of recommendation letters supporting the petition is not presumptive evidence of eligibility; we may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Thus, the content of the references' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence that one would expect of an accomplished mountaineer. *Cf. Visinscaia v. Beers*, 4 F.Supp.3d 126, 134-35 (D.D.C. 2013) (concluding that USCIS' decision to give little weight to uncorroborated assertions from professionals in the field was not arbitrary and capricious).

The recommendation letters discuss the Petitioner's accomplishments in [redacted] as the first Bangladeshi woman to summit multiple technically challenging [redacted] peaks and her contributions to the Bangladesh society as a source of inspiration to its people. However, the letters do not sufficiently demonstrate how the Petitioner's professional achievements as a [redacted] are translated into her performance in a leading or critical role for an organization or establishment that has a distinguished reputation. *See* 8 C.F.R. § 204.5(h)(3)(vii). While we recognize the Petitioner's remarkable personal achievements as a female [redacted] in the global [redacted] arena and in a physically demanding field and contributions to the Bangladesh society as a source of inspiration, none of the letters provide sufficient information and evidence to corroborate the claimed leading or critical roles asserted in the Petitioner's statements.

Without sufficient documentary evidence demonstrating that the Petitioner has performed in a leading or critical role for organizations or establishments that have a distinguished reputation, the Petitioner has not established that she meets the plain language of this regulatory criterion. *See id.*

5. We Reserve the Remaining Claimed Criteria

We conclude that although the Petitioner claims she meets two additional criteria relating to published material and contributions at 8 C.F.R. §§ 204.5(h)(3)(iii) and (v), respectively, because her arguments fail on any criterion discussed above, that means she cannot numerically meet the required number of at least three criteria. It is, therefore, unnecessary for us to decide on these additional grounds because she 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 these issues. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

B. Final Merits Determination

The Petitioner has not submitted the required initial evidence of either a major, one-time achievement or documents that meet at least three of the ten criteria. As a result, we do not need to 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 it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

III. CONCLUSION

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for those progressing toward that goal. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown 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; 8 C.F.R. § 204.5(h)(2).

For the reasons we have discussed above, the Petitioner has not demonstrated her eligibility as an alien of extraordinary ability. The appeal will be dismissed for the above-stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.