U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41696596

Date: APR. 16, 2026

Appeal of Service Center Operations Decision

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

The Petitioner 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.

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner satisfied the initial evidentiary requirements for this classification but did not establish, as required, that he has sustained national or international acclaim and is among the small percentage at the very top of his field. The matter is now before us on appeal. 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 visas available to immigrants with extraordinary ability if:

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

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

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

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate 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 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). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation.

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (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). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. at 376.

II. ANALYSIS

The Petitioner is a director in film, television, and commercial production in Turkey, and he plans to continue directing in the United States. Because the Petitioner has not indicated or established 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 initially claimed nine criteria relating to awards, memberships, published materials, judging, contributions, display, leading or critical role, salary, and commercial successes. Without analysis, SCOPS determined the Petitioner satisfies six of the nine criteria relating to awards, published materials, judging, display, leading or critical role, and salary, and discussed why the record does not establish membership, contributions, and commercial successes. SCOPS then proceeded to do a final merits determination and found insufficient evidence of sustained acclaim and recognized accomplishments to place the Petitioner among the small percentage at the very top. Upon de novo review, we conclude that the record does not establish that the Petitioner meets the initial evidentiary requirement. Specifically, we conclude that the record does not satisfy the criteria regarding awards, memberships, published materials, judging, contributions, leading or critical role, and salary.[1]

[1] While we do not discuss each piece of evidence individually, we have reviewed and considered the record in its entirety.

A. Awards

The regulation at 8 C.F.R. § 204.5(h)(3)(i) calls for "[d]ocumentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor." We first determine whether the alien is the recipient of prizes or awards, and then whether the award is nationally or internationally recognized and was granted based upon excellence in the alien's field of endeavor. *See generally 6 USCIS Policy Manual* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner claims eligibility for this criterion based on the following:

- Winning the "Best Short Women's Issue Film" for the film [redacted] at the [redacted] Toronto Independent Festival of Cift;
- Winning the "Best Fashion Film (Short)" for the film [redacted] at the Berlin Indie Film Festival [redacted];
- Finalist at the Cannes World Film Festival for the film [redacted]"
- Winning the "Best Production Design" for the film [redacted] at the [redacted] Seattle International Fashion Film Festival;
- Winning "Best TV Documentary" for the film [redacted] at the [redacted] Turkey Journalism Success Awards; and
- Winning the Bronze Award at the [redacted] Awards.

First, the Petitioner has not established that he is the recipient of the "Best TV Documentary" award or the Bronze Award. The documentation submitted for both awards does not mention the Petitioner. In fact, the documentation for [redacted] shows that the award was issued to [redacted] Second, with regard to being a finalist at the Cannes World Film Festival, the Petitioner's evidence does not establish that his selection as a finalist constitutes an award. Further, while the Petitioner has demonstrated that he is the recipient of the other three awards, he has not established that the awards qualify as nationally or internationally recognized. The record includes print outs from the awarding organizations' websites, but they only provide a brief description of the events. Thus, the record lacks sufficient evidence indicating that these awards are recognized beyond the awarding organization's own website. *See Visinscaia v. Beers,* 4 F.Supp. 3d. 126, 136 (D.D.C. 2013) (requiring evidence of "how a larger audience viewed [the] awards").

We therefore withdraw SCOPS' finding that the Petitioner satisfied this criterion.

B. Memberships

The regulation at 8 C.F.R. § 204.5(h)(3)(ii) calls for "documentation of the alien's membership in associations in the field for which classification is sought." In addition, the association must require "outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields." Once membership in a qualifying association has been established, we determine whether the association requires those at the alien's level of membership to have attained outstanding achievements in the field. *See generally 6 USCIS Policy Manual* F.2(B)(1).

The Petitioner asserts he meets this criterion as a member of the [redacted]. The Petitioner provided evidence of his membership, along with the [redacted] membership requirements, which states the following:

- Be at least 18 years old,
- Have the legal capacity to exercise civil rights,
- Not be prohibited from forming an association under Article 4 of the Associations Law,
- Have completed their internship or assistantship period in the sector and be able to work independently,
- Have advertising as their primary profession in the specific field,
- Obtain a reference from at least one current member,
- Provide a document proving their employment in the sector (even if not currently employed), such as a payroll or an official letter confirming employment issued by company authorities,
- Agree to pay the determined dues and entrance fee.

Membership applications are finalized by the Board of Directors within 30 days from the application date, the applicant is notified, and membership begins once all required documents are completed and the fees are paid.

Here, the Petitioner has not established that the above requirements represent outstanding achievements.[2] For instance, the Petitioner has not demonstrated that having completed an internship or assistantship necessitates outstanding achievements. Moreover, he has not demonstrated that recognized national or international experts judge membership for [redacted]. The record includes information on three individuals, [redacted] but the Petitioner has not established that these three individuals are part of the [redacted] Board of Directors and that they reviewed the Petitioner's membership application. Further, he does not demonstrate that [redacted] requires national or international experts to judge [redacted] membership.

For the reasons discussed above, the Petitioner does not establish that he fulfills this criterion.

C. Published Materials

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) requires "[p]ublished 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." These materials must include "the title, date, and author of the

[2] *See generally 6 USCIS Policy Manual* F.2(B)(1) (indicating that relevant factors that may lead to a conclusion that the person's membership in the association(s) was not based on outstanding achievements in the field include, but are not limited to, instances where the person's membership was based solely on the following factors (by themselves or in the aggregate): a level of education or years of experience in a particular field; the payment of a fee or by subscribing to an association's publications; and a requirement, compulsory or otherwise, for employment in certain occupations, as commonly seen with union membership or guild affiliation for actors); *see also Soni v. United States*, No. CV 11-2431, 2016 WL 4154137, at *4 (upholding a certification merely required individuals to pay a fee and undergo an application process, possess education and experience, and take and pass a multiple-choice examination, did not reflect outstanding achievements).

material, and any necessary translation." *Id.* The published material should be about the alien and their work, rather than the alien's employer and its work (or about an organization and its work). Professional or major trade publications may be identified by their intended audience, while other major media and major trade publications should have elevated circulation or readership relative to other media in the field. *See generally 6 USCIS Policy Manual* F.2(B)(1).

In support, the Petitioner submitted 24 articles. Here, most of the articles identify the Petitioner as the director of films, music videos, or commercials but they are not about him. *See Negro-Plumpe v. Okin*, No. 2:07-CV-820-ECR-RJJ, 2008 WL 10697512, at *3 (D. Nev. Sept. 9, 2008) (finding that articles focusing on the character or the show, rather than the performer himself, are not "about the alien"). Moreover, while we acknowledge the Petitioner's explanation that it is common practice for Turkish media not to include author names, the regulations specifically state that the materials must include "the title, date, and author of the material, and any necessary translation." *See* 8 C.F.R. § 204.5(h)(3)(iii). The Petitioner included 15 articles without the authors' names. *See Kumar v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. CV RDB-23-2251, 2024 WL 1374794, at *5 (D. Md. Apr. 1, 2024) (upholding plaintiff's evidence did not include the required title, date, or author).

Furthermore, the Petitioner has not demonstrated that the publications rise to the level of major media. The record includes screenshots from *SimilarWeb* regarding website traffic for several of the publications' websites. For example, the *SimilarWeb* "Traffic & Engagement" information for [redacted] listed "Total visits" in May 2025 at "1.594M." The Petitioner, however, does not establish the significance of these statistics, showing that the publications represent major trade publications or other major media. *See Branski v. Seng*, No. 24-CV-360, 2024 WL 4678939, at *5 (E.D. Wis. Nov. 4, 2024) (indicating that the failure to provide context to circulation figures makes it difficult to assess their significance).

Therefore, we also withdraw SCOPS' finding that the Petitioner satisfied this criterion.

D. Judging

The regulation at 8 C.F.R. § 204.5(h)(3)(iv) calls for "evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought." The alien must show that they not only have been invited to participate as a judge of the work of others in their field, but also that they have actually participated in such judging. *See generally 6 USCIS Policy Manual* F.2(B)(1). Examples of judging may include peer review for a scholarly journal, conference, or government research funding program or serving as a member of a Ph.D. dissertation committee. *Id.*

The Petitioner claims eligibility for this criterion based on being on the jury panel of the Istanbul Marketing Awards (IMA) in 2021. Specifically, he states that he was a jury member in the category of [redacted] The record includes printouts from IMA's website which provides information about the Petitioner under [redacted]' However, the Petitioner does not provide evidence to show that he actually participated in such judging. Without evidence reflecting his participation as a judge of the work of others, including specific, detailed information, the Petitioner has not sufficiently demonstrated that he meets this criterion.

We therefore disagree with SCOPS's conclusion that the Petitioner satisfies this criterion and we withdraw SCOPS' determination to the contrary.

E. 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." A petitioner may show that their contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance. *See Visinscaia*, 4 F. Supp. 3d at 134-35. Relevant evidence of the significance of an original contribution may include, but is not limited to:

- Published materials about the significance of the alien's original work;
- Letters providing details about how the alien's original work has been significant in the field;
- Citation of the alien's published scholarly work at a level indicative of major significance; and
- Patents or licenses deriving from the alien's work or evidence of its commercialization.

See generally 6 USCIS Policy Manual F.2(B)(1).

The Petitioner states that he introduced "a new artistic approach to fashion films that combine runway aesthetics with cinematic storytelling, offering designers, a lasting and expressive way to showcase their collections." He highlights an expert opinion letter from the founder of the Fashion Film Festival Istanbul, which discusses his work and states that his work has been "widely adopted" and that "producers and directors embraced" his technique. But the letter does not provide examples of when these producers or directors "embraced" the Petitioner's technique or explain its significance to the field.

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. *Id.* 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 case, the letter lacks specific, detailed information explaining how the Petitioner has made original contributions of major significance in the field. USCIS need not accept primarily conclusory statements. *1756, Inc. v. The US. Att'y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990).

We will therefore affirm SCOPS' finding on this evidentiary criterion.

F. Role

The regulation at 8 C.F.R. § 204.5(h)(3)(viii) calls for "evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation." The role may be shown to be leading or critical for a division or department of an organization or establishment, or for the organization or establishment overall. Evidence of a leading role should show that the alien was a leader for the claimed component, and a job title with matching duties may help to establish that a role was leading. For a critical role, evidence should show that the alien 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. In determining whether the organization or establishment, or a department or division thereof, has a distinguished reputation, relevant factors include its size, longevity, scale of its customer base, and relevant media coverage. *See generally 6 USCIS Policy Manual* F.2(B)(1).

The Petitioner claims eligibility for this criterion based on his leading and critical role "as the lead director for projects produced by brands, production companies, and digital platforms." He further explains that "[i]n each project, he served as the highest creative authority – overseeing the work from concept to completion, and making all key decisions regarding casting, visual style, narrative flow, and final execution." The Petitioner provided evidence, such as printouts from IMDb.com and support letters, verifying he was the director of numerous films, shows, and commercials. He also provided information about the various brands that produced the projects. However, the Petitioner does not provide sufficient documentation to establish he played a leading role in an *organization*. For example, the documentation does not establish that he performed a leading role for an organization as a whole, such as by showing he influenced its overall reputation or status, or that he was responsible for the organization's success. Nor do the letters show that the Petitioner played a critical role as the letters primarily contain bare assertions of acclaim and vague claims of contributions without specifically identifying contributions and providing specific examples of how those contributions rose to a level consistent with major significance in the field.

Thus, we disagree with SCOPS' conclusion that he meets this criterion and we withdraw SCOPS' determination to the contrary.

G. 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." A credible employment contract or job offer may establish that an alien "has commanded" such salary or remuneration, as may evidence of past earnings such as tax returns and pay statements. Comparative wage or remuneration data that is appropriate for the alien's occupation and location should be submitted to establish that their compensation is high relative to others working in the field. *See generally 6 USCIS Policy Manual* F.2(B)(1).

The Petitioner submitted a letter from an accountant showing that he generated a revenue of 1.895.000 Turkish Lira in 2024 and 4.700.000 Turkish Lira in 2025, along with invoices. In support of this criterion, the Petitioner provided information from eleman.net, which shows that the highest salary for a director in Turkey is "79.500 TL." The Petitioner also provided the "[t]otal pay range," "[m]edian total pay," and [b]ase pay for directors in Turkey from Glassdoor. Neither eleman.net nor Glassdoor provide the salaries for a director in [redacted] Turkey. While the Petitioner claims that his total compensation is considerably higher than the salary figures reported by eleman.net and Glassdoor, the Petitioner has not provided supporting evidence that would allow a comparison between his total remuneration and that of other similarly employed workers in his geographic area, [redacted] Turkey. The evidence therefore does not establish that he receives total remuneration that is "significantly high."

Accordingly, the Petitioner has not established by a preponderance of the evidence that he meets the requirements of the criterion, and we therefore withdraw SCOPS' contrary finding.

H. The Petitioner's O-1B Visa

We acknowledge the Petitioner has an approved O-1B nonimmigrant visa petition, and that this classification is reserved for nonimmigrants of extraordinary ability in the arts. However, the prior approval does not preclude USCIS from denying an immigrant visa petition which is adjudicated based on a different statute, regulations, and case law. The nonimmigrant and immigrant categories have different criteria, definitions and standards for persons working in the arts. "Extraordinary ability in the field of arts" in the nonimmigrant O-1B category means distinction. 8 C.F.R. § 214.2(o)(3)(ii). However, in the immigrant context, "extraordinary ability" reflects that the individual is among the small percentage at the very top of the field. Moreover, each petition is separate and independent and must be adjudicated on its own merits, under the corresponding statutory and regulatory provisions.

III. CONCLUSION

The Petitioner claimed to satisfy nine of the ten initial evidence requirements under 8 C.F.R. § 204.5(h)(3). However, we conclude that the Petitioner did not satisfy seven of the nine criteria. Since the Petitioner cannot fulfill the initial evidentiary requirement of three, we need not address the remaining criterion regarding commercial success and we reserve it. *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). Likewise, because the Petitioner has not satisfied the threshold initial evidence requirements at 8 C.F.R. § 204.5(h)(3), we need not determine whether the Petitioner has sustained national or international acclaim and is one of the small percentage at the very top of the field of endeavor, and that his achievements have been recognized in the field through extensive documentation. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen*, -- F.Supp.3d ---, 2025 WL 1508028, at *10 (E.D. Pa. May 27, 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa."). Therefore, we also decline to reach and hereby reserve any final merits determination in this matter. *See Bagamasbad* at 429 U.S. at 25.

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability.

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 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.