U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41977819

Date: APR. 17, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, an economist and former politician from Armenia, seeks classification under the employment-based, first-preference (EB-1) immigrant visa category as an alien with "extraordinary ability." *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This EB-1 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. Section 203(b)(1)(A)(i) of the Act.

Service Center Operations (SCOPS) 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 pursuant to 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

I. LAW

To qualify for this immigrant visa category, a petitioner must demonstrate that they:

- Have "extraordinary ability in the sciences, arts, education, business, or athletics;"
- Seek to continue work in their field of expertise in the United States; and
- Would substantially benefit the United States as an immigrant.

Section 203(b)(1)(A)(i)-(iii) of the Act.

The term "extraordinary ability" means expertise commensurate with "one that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). Unless 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), they must provide sufficient qualifying documentation that meets at least three of the ten lesser evidentiary criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x). The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable evidence if they are 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.

If a petitioner meets these initial evidence requirements, U.S. Citizenship and Immigration Services (USCIS) must 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 Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022) (finding USCIS' two-step extraordinary ability analysis "consistent with the governing statute and regulation"); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual.

II. ANALYSIS

The Petitioner has bachelor's and master's degrees in economics from [redacted] in Armenia. He also earned a Ph.D. in economics in 2010 from the [redacted] of Armenia. The record demonstrates that the Petitioner served as a legislator in Armenia as a member of the National Assembly of the Republic of Armenia, Armenia's supreme legislative authority, from 2009 to 2021. Since 2021, the Petitioner has been engaging in entrepreneurial activities by starting his own businesses in the United States, including: [redacted] (a project created to develop "sustainable entrepreneurship, systemic economic policy and digital transformation of business processes"); [redacted] ("a licensed California hospice provider committed to delivering culturally competent, dignified end-of-life care"), [redacted] (a behavioral health and addiction recovery facility), and [redacted] ("a business he established in 2024 to support economic development and job creation through skilled trades"). In 2025, the Petitioner filed the instant petition claiming that he plans to work as "Economic Policy Advisor and Business Development Consultant."

A. Initial Evidentiary Criteria

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 eight of these criteria, summarized below:

- Receipt of lesser recognized awards or prizes for excellence in the field;
- Membership in associations in the field requiring outstanding achievements of their members;
- Published materials about the person;
- Original contributions of major significance in the field;
- Authorship of scholarly articles;
- Display of work at artistic showcases or exhibitions;
- Performing leading or critical roles for organizations that have a distinguished reputation; and
- Commanding a high salary in relation to others in the field.

8 C.F.R. § 204.5(h)(3) (i), (ii), (iii), (v), (vi), (vii), (viii), and (ix).

SCOPS concluded that the Petitioner only met two criteria: 8 C.F.R. § 204.5(h)(3)(vi) (authorship of scholarly articles) and 8 C.F.R. § 204.5(h)(3)(viii) (performing leading or critical roles at distinguished organizations). We will not disturb SCOPS' decision on these two criteria. The Petitioner offered his scholarly dissertation paper published in 2010 as a part of his Ph.D. degree program, and that he performed leading or critical role as a member of the [redacted] Armenia.

In addition to meeting these two criteria as SCOPS determined, we conclude that the Petitioner satisfied another criterion at 8 C.F.R. § 204.5(h)(3)(iii). The criterion at 8 C.F.R. § 204.5(h)(3)(iii) requires evidence of published material about the individual in professional or major trade publications or other major media, relating to the person's work in the field. SCOPS concluded that some of the published articles in the record did not meet this criterion as they are marketing or public relations materials about the Petitioner. SCOPS also indicated that some articles lack substantial discussion of the Petitioner's work or do not identify the media outlets where the articles may have been published. On appeal, the Petitioner contends that SCOPS mislabeled independent media coverage as marketing or public relations materials and disregarded other published articles with identified authors, dates, and sources that discuss the Petitioner and his work in the parliament.

We agree with the Petitioner that the record contains published articles that satisfy the plain language of the regulation at 8 C.F.R. § 204.5(h)(3)(iii) and withdraw SCOPS' decision. For instance, the record contains various articles from Parliament.am, the [redacted] Armenia's official website that publishes briefings, press conferences and daily legislative news from the parliament. These articles feature the Petitioner's legislative activities, his speeches delivered to the national assembly, his policy discussions on the issues of economics, education, and foreign relations, among others. Although these publications are from the [redacted] own website, the intended purpose is not self-serving, unlike marketing or advertising materials about a company or an individual, as it is intended to be read widely by the general citizens in Armenia to follow the current legislative activities and news.[1]

Furthermore, there are other articles, such as a coverage of the parliamentary hearings on "[redacted]" by [redacted] and a coverage of the Petitioner's visit to Vietnam by [redacted]. These articles, printed on major media outlets in Armenia, quote from the Petitioner as the [redacted] of the [redacted] and reports on the Petitioner's activities. Therefore, we conclude that the Petitioner has met this criterion.

As the Petitioner has met the requisite three of ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(iv), (vi), and (viii), we remand the case for a final merits determination and need not consider the Petitioner's appellate claims on whether he meets the remaining criteria at 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (v), or (ix).

[1] However, we note that some other published articles submitted with the Petitioner's response to the request for evidence appear to be public relations materials as they pertain to his own business ventures and consulting work in the United States.

On remand, SCOPS should conduct a final merits review based on the totality of the evidence, evaluating whether the Petitioner has demonstrated, by a preponderance of the evidence, his sustained national or international acclaim, his status as one of the small percentage at the very top of his field of endeavor, and that his achievements have been recognized in the field through extensive documentation. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also Kazarian*, 596 F.3d at 1119-20. In doing so, SCOPS should examine various fields of expertise claimed by the Petitioner, as indicated in the USCIS policy manual: "[t]o qualify as a person with extraordinary ability, the beneficiary must intend to continue to work in the area of his or her expertise." *See 6 USCIS Policy Manual*, supra at F.2(A)(2).

We note here that the parameters of the Petitioner's expertise appear broad, encompassing legislative and public affairs, economic policy advising, and business development consulting. The Petitioner has also maintained multiple areas of intended employment. For instance, the Petitioner stated that he will work as an economic policy advisor, "continuing to advise local governments, nonprofit organizations, and small-to-medium enterprises on strategies for economic growth, policy innovation, and administrative modernization" through his [redacted]. At the same, the Petitioner asserted that "alongside his policy consulting work, he will continue serving as a business development consultant, supporting entrepreneurs and early-stage businesses" in the areas of market entry strategies, financial modeling, and organizational design. In addition to economic policy consulting and business development consulting, the Petitioner discussed several of his other business ventures in the field of healthcare and automotive service industry and stated that "he envisions an integrated ecosystem where his consulting, healthcare, and service businesses support each other." Hence, it is difficult to determine whether the Petitioner's intended employment falls sufficiently within the bounds of his area of extraordinary ability. *Id.*

We acknowledge the Petitioner's contention that his fields of expertise share some common characteristics. Therefore, in making a final merits determination, SCOPS should consider the totality of the material and give proportionate weight to evidence of acclaim in all areas of expertise he has claimed[2] even though the Petitioner's evidence of acclaim as a legislator may not suffice by itself to establish extraordinary ability as a consultant in economic policy and business development. SCOPS must ultimately decide whether the Petitioner has shown that his economic consulting and business development activities he plans to engage in the United States, in addition to his former political career, are at a level consistent with sustained national or international acclaim, that he is among the small percentage at the very top of his field of endeavor, and that his achievements have been recognized in the field through extensive documentation. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *see also* Kazarian, 596 F.3d at 1115-20.

III. CONCLUSION

The Petitioner has met the requisite three of ten initial evidentiary criteria. We will withdraw SCOPS' denial of the petition and remand the matter for a final merits determination and entry of a new decision. SCOPS may request any additional evidence considered pertinent to the new determination

[2] *See generally 6 USCIS Policy Manual*, supra at F.2(A)(2) (discussing how to analyze cases where a petitioner is transitioning career, e.g., an athlete whose sustained national or international acclaim is based on his or her abilities as an athlete but intends to come to the United States to be employed as an athletic coach).

and any other issues. As such, we express no opinion regarding the ultimate resolution of this matter on remand.

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.