U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42203355

Date: APR. 23, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a marketing professional and entrepreneur, seeks classification as an individual 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.

SCOPS denied the petition, concluding that although the Petitioner satisfied at least three of the initial evidentiary criteria, as required, he did not show his sustained national or international acclaim and demonstrate that he is among the small percentage at the very top of the field of endeavor. 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 dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes immigrant visas available to individuals with 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, provided that the individual seeks to enter the United States to continue work in the area of extraordinary ability, and the individual'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 a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of achievements in the field through a one-time achievement (that is, a major, internationally recognized award) or 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).

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 Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *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

The Petitioner has the foreign equivalent of a bachelor's degree in business administration and earned a master's degree in business administration (MBA) from a U.S. business school in 2013. He claims to have 20 years of progressive experience in marketing management, primarily in the pharmaceutical and healthcare industries. The Petitioner indicates that he intends to operate a U.S. business called [redacted] which will provide a range of services for international students seeking to attend American colleges and universities.

A. Evidentiary Criteria

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). The Petitioner initially claimed that he could meet seven of the ten criteria. SCOPS determined that he met three criteria, relating to published materials, judging the work of others, and performing in leading or critical roles. 8 C.F.R. § 204.5(h)(3)(ii), (iv) and (viii). SCOPS therefore evaluated the totality of the evidence in a final merits determination and concluded that the record did not demonstrate the Petitioner's sustained national or international acclaim and his placement among the small percentage at the very top of his field.

On appeal, the Petitioner contends that the previously submitted evidence was sufficient to demonstrate that he meets additional evidentiary criteria, specifically those relating to awards and original contributions of major significance. In addition, he contends that SCOPS did not sufficiently weigh the totality of the evidence in its final merits determination.

Upon review, we conclude that the Petitioner has not demonstrated that he meets the requirements of at least three criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). As discussed below, the record does not support SCOPS' determination that the Petitioner provided evidence satisfying the published materials criterion at 8 C.F.R. § 204.5(h)(3)(iii), nor does it show that the Petitioner meets any of the remaining claimed criteria. Accordingly, he has not established that he is eligible for classification as an alien of extraordinary ability.

1. Lesser Nationally or Internationally Recognized 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 field of endeavor.

The Petitioner claims eligibility under this criterion based on his selection as one of [redacted] "Top Five Global Marketing Professionals of 2014." He initially provided a January 2015 letter from the then-president of [redacted] Latin America to corroborate his receipt of this recognition. The letter mentions that the [redacted] initiative" he developed was one of the company's "most impactful marketing programs in recent years" and notes it was recognized "in one of five winning categories in [redacted] Global Marketing Content Contest." The Petitioner also provided a letter from a former [redacted] marketing manager who states he worked with him from 2013 to 2014. That letter provided additional details regarding the [redacted] initiative and his receipt of a "Global Marketer of the Year" award.

The Petitioner emphasized that based on USCIS policy guidance, qualifying awards "may include those conferred by well-known national institutions or professional associations." *See generally* 6 *USCIS Policy Manual* F.2(B)(1), https://www.uscis.gov/policy-manual. He emphasized that GE is a Fortune Global 500 company and therefore "easily qualifies as such an institution."

In a request for evidence (RFE), SCOPS advised that the record contained insufficient documentation to establish that the Petitioner's award or prize is nationally or internationally recognized in the field, beyond the purview of the awarding organization. In response, the Petitioner provided a new letter from a [redacted] human resources employee, who stated that the "Top Five Global Marketing Professionals of 2014" award remains on the company's "permanent global records." She outlined the nature and purpose of the award as well as the selection process. The Petitioner's response to the RFE also included two supporting letters from former employees of [redacted] confirming his creation of the [redacted] program and his receipt of the "Global Marketer of the Year" recognition.

SCOPS concluded that the Petitioner did not meet this criterion because the evidence submitted in response to the RFE did not show that the prize or award is nationally or internationally recognized beyond the organization that issued it. While the Petitioner discusses this criterion and the previously submitted evidence in his appellate brief, he does not address SCOPS' specific reasons for determining that he did not show that his award was nationally or internationally recognized.

We acknowledge that [redacted] is a well-known international corporation and that the Petitioner's selection as a "Global Marketing Professional of the Year" can be deemed a recognition for excellence among the company's employees in the marketing field, based on the criteria for granting it. However, this does not lead to a conclusion that the Petitioner's receipt of a congratulatory letter through the company's internal employee recognition program equates to a lesser nationally or internationally recognized award or prize under the plain language of this regulation. A representative of the company confirms that it maintains internal records of these awards, but the record lacks

evidence that the company's marketing awards program enjoys national or international recognition in the broader field.

USCIS recognizes that "certain awards" from "well known national institutions" *may* qualify under this criterion because they may be nationally recognized. But USCIS guidance also emphasizes that an award available to only persons within a single employer "may have little national or international recognition." *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(1). Therefore, it is the Petitioner's burden to provide evidence of his award's national or international recognition beyond reliance on the fact that the issuing employer is "well-known." *See Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) ("[A]s reflected in the regulation's plain text, the focus is on the *award,* not the awarding organization.") (emphasis in original). For example, certain awards that garner national or international media coverage may qualify under this criterion. *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(1).

While the award does not need to have the same level of recognition as a one-time achievement such as a Nobel Prize, it should carry recognition and national or international significance in the field that extends outside of the organization that issued it. *See Visinscaia v. Beers*, 4 F. Supp. 3d at 136 ("Without evidence of how a larger audience viewed Plaintiff's awards, there was no way for the agency to evaluate whether those awards were recognized widely enough to satisfy this criterion.")

The Petitioner has not established that his selection as a [redacted] "Global Marketing Professional of the Year" qualifies under this criterion, because his evidence does not demonstrate that this award for excellence in his field has national or international recognition.

2. 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 material, and any necessary translation." *Id.* 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*, *supra*, at F.2(B)(1).

SCOPS concluded that the Petitioner had satisfied the requirements of this criterion. Closer examination of the record, however, does not support this conclusion.

The Petitioner claimed eligibility based on: (1) an online article titled '[redacted]" published on the Brazilian news website *Terra* (www.terra.com.br) in May 2025, and (2) an online article titled '[redacted] published on the website of Brazilian magazine *Empresas e Negocios* (www.jornalempresasenegocios.com.br) in July 2020.

The Petitioner provided sufficient evidence to demonstrate that *Terra* qualifies as major media based on its relative readership among Brazilian news publications. The Petitioner acknowledged that the article he submitted from this source does not name a specific author but explained that "it follows

standard Brazilian editorial convention for newsroom-authored features, and is therefore attributed to the Terra Newsroom, a practice accepted in major national media contexts." The Petitioner emphasized that the article provided a detailed account of his career, his contributions and recognition in the field, and explained how his experience led to the publication of his book titled [redacted] He emphasized that the published material was "editorial and substantive" and "not promotional in nature."

However, contrary to the Petitioner's claim, the published material he provided from *Terra*'s website does not attribute authorship to the "Terra Newsroom." Further, while the material provides a summary of the Petitioner's career, it appears to be marketing material written to promote the release of his book, rather than an "editorial and substantive" article written about the Petitioner. For example, it concludes with an "About the Book" summary listing the book's physical dimensions, number of pages, release date, publisher and ISBN number.[1] Marketing materials created for the purpose of selling the person's products or promoting the person's services are not generally considered to be published material about the person (this includes seemingly objective content about the person in major print publications that the person paid for). *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(1). Therefore, the published material from the *Terra* website does not satisfy this criterion.

Regarding the article from *Empresas e Negocios*, we note the Petitioner initially described this evidence as business article authored *by* him, rather than published material *about* him. He suggested that it nevertheless met the requirements of this criterion because it "draws directly from [his] field experience and is clearly aligned with his work in business and marketing." The Petitioner re-submitted the same evidence in response to the RFE, but at that time characterized this article as one "in which [he] was interviewed as a subject-matter expert on business strategy and corporate resilience."[2]

It is evident that the Petitioner's initial claim that he wrote the *Empresas e Negocios* article was accurate, as it includes a byline naming the Petitioner as its sole author. In addition, the article is written in the first person entirely from the Petitioner's perspective and there is no indication that it was published as an interview between him and another person. While we acknowledge the Petitioner's assertion that his background in business management aided him in writing the article, the article is not about him and does not include a substantial discussion of his work in the field. Further, the record does not contain supporting evidence regarding the intended audience or relative readership of *Empresas e Negocios* to demonstrate that it qualifies as a professional or major trade publication or other major media.

For the foregoing reasons, we withdraw SCOPS' determination that the Petitioner satisfied the criterion at 8 C.F.R. § 204.5(h)(3)(iii).

[1] We have viewed the article online using the terra.com.br URL address provided on the printout the Petitioner submitted as evidence. The full published version includes the following statement at the conclusion of the article: "This is commercial content distributed by the company Dino and is not the responsibility of Terra." The Petitioner omitted this portion in the copy he submitted to USCIS in support of this petition.

[2] The Petitioner concurrently submitted the same *Empresas e Negocios* article in support of his claim that he meets the criterion at 8 C.F.R. § 204.5(h)(3)(vi), which requires evidence that he has authored scholarly articles in his field.

3. Original Contributions of Major Significance

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*, *supra*, at F.2(B)(1).

In addressing this criterion, SCOPS concluded that the evidence demonstrated that the Petitioner has been active and productive in his field but did not show that he has made contributions that have had substantial influence beyond his employers or clients, such that they may be considered majorly significant in his field.

On appeal, the Petitioner asserts that SCOPS overlooked "detailed objective evidence that [his] contributions are original, replicable and of major significance beyond any single employer or project." He resubmits the following evidence on appeal: a letter from F-F-E-, president of Associacao Brasileira Incentivo (Incentivo); a business plan for [redacted]; and letters from two U.S. schools that intend to use [redacted] consulting services.

The Petitioner claims he has made an original contribution built on "his ability to use business intelligence and strategic marketing to solve complex human problems." Specifically, he asserts that he has developed "a data driven model with transformative potential for the United States' education system," that is in demand by U.S. institutions seeking to strengthen the integration of international students.

The letter from F-F-E- states that the Petitioner co-founded [redacted] with the mission "to alleviate poverty through education." The Petitioner highlights the following passage from the letter:

> [The Petitioner's] ability to analyze complex data and translate it into actionable insights has been a cornerstone of our success . . . connecting our organization with top universities and business leaders, creating a bridge between young talents and the resources they need to succeed.

The Petitioner claims that his contribution at [redacted] was a "social innovation" for which he "co-designed a data driven model integrating business analytics, branding strategy and educational mobility." Further, he states that this testimony "directly documents that his contribution was not limited to a single institution but produced measurable impact across a network of universities,

employers and underserved students." He indicates that the idea that marketing science could be used to drive educational mobility has since become the foundation of his U.S.-based venture [redacted].

The Petitioner describes [redacted] as "a comprehensive platform designed to enhance international student recruitment, integration and retention," noting that he identified major structural challenges faced by international students and created data-informed tiered solutions. The services outlined in the business plan indicate that the company will offer personalized solutions for housing, transportation and integration, experiences to support academic and social success, and logistical assistance to schools to improve student retention.

The Petitioner explained that his contribution is of major significance due to its scalability, as it is structured for implementation across multiple states and universities and thereby transforms a social innovation into "an operational blueprint capable of strengthening institutional competitiveness nationwide." The Petitioner states that his model's "originality and field-level significance" is confirmed by two independent U.S. organizations that have committed to adopting his methodology. He describes his contribution as "a replicable, high-impact model that advances education and economic competitiveness" and which "has reshaped how institutions connect with international students."

We have reviewed the letter from [redacted] but the record contains insufficient evidence to support the claimed far-reaching impact of the model he developed there. Letters explaining the nature and significance of the person's contribution may provide valuable context for evaluating the significance of a person's contribution, particularly when the record contains independent documentation corroborating that the claimed significance. *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(1).

The Petitioner maintains that the letter from F-F-E- demonstrates that his contribution "produced measurable impact across a network of universities, employers and underserved students." However, it is not accompanied by evidence regarding [redacted] and its activities, or evidence to corroborate the claimed impact of the Petitioner's "data driven model" for educational mobility. As such the record does not establish the significance of any original contribution the Petitioner made in service of that organization.

We have also reviewed the submitted business plan for [redacted] The record lacks evidence demonstrating that [redacted] has even commenced operations, much less evidence to support the Petitioner's claim that his work there has already "reshaped how institutions connect with international students" and achieved "field-level significance." Even if we determined that the Petitioner established the originality of his contribution, he has not established that his model has influenced other entrepreneurs nor has he otherwise shown how it had made an impact consistent with a contribution of major significance at the time the petition was filed.

While the business plan outlines [redacted] intended services and methodology for targeting international students and educational institutions in the United States, and the Petitioner claims that his model is "replicable" and "scalable," he cannot demonstrate eligibility under this criterion based on any prospective, potential impacts. He claims that he has developed "an operational blueprint capable of strengthening institutional competitiveness nationwide," and states that his model has "transformative potential" for the U.S. educational system. However, based on the evidence

presented, the influence or impact of the Petitioner's business model has yet to be determined or measured.

A letter from [redacted] a potential consulting client, states that [redacted] "has garnered attention for its innovative approach to student preparation and engagement" but the author does not elaborate and the record lacks evidence to corroborate the existence or nature of such attention. A second letter, from the school director of [redacted], indicates that [redacted] offers "creative strategies" that are necessary to strengthen its connections with students in Brazil and Latin America. These letters show that there is a potential market for the services the Petitioner intends to offer through his company. However, neither letter offers details to support the claimed originality of the Petitioner's model or its claimed "field-changing significance" in the business or marketing field.

Based on the evidence submitted, we agree with SCOPS' determination that the record does not show how the Petitioner's work has had an impact or influence that has extended or would extend beyond his clients, nor does it otherwise demonstrate that he has made original contributions of major significance in his field. Accordingly, the Petitioner has not established that he meets this criterion.

4. Authorship of Scholarly Articles

The regulation at 8 C.F.R. § 204.5(h)(3)(vi) calls for "evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media." In academia, a scholarly article reports on original research, experimentation, or philosophical discourse, is generally peer reviewed, and may be published in professional or scientific journals or conference presentations. In other fields, a scholarly article should be written for "learned persons" who have profound knowledge in the field. *See generally* 6 *USCIS Policy Manual*, *supra* at F.2(B)(1).

To determine whether the publication qualifies as a professional or major trade publication or other major media, we consider such relevant factors as the circulation or readership relative to other media in the field and the intended audience (for professional publications). *Id.*

The Petitioner claimed eligibility under this criterion based on his authorship of: (1) the article titled [redacted] published on the website of Brazilian magazine *Empresas e Negocios* in July 2020; and (2) the self-published book titled [redacted] He previously contended that both publications satisfy the criterion because they were "written for learned audiences, grounded in professional expertise, and published in credible widely circulated professional media." We agree with SCOPS' determination that the Petitioner did not provide evidence that satisfies this criterion.

First, the Petitioner did not provide evidence to corroborate his claim that either *Empresas e Negocios* or [redacted] based on circulation, readership or intended audience, can be deemed a professional publication, major trade publication or other major media as required by the plain language of this criterion. For example, he did not provide information from the publisher or an independent source regarding the intended audience of the *Empresas e Negocios*, or objective evidence to support his contention that it is "one of Brazil's most prominent business and economics media outlets."

Further, the record lacks sufficient evidence to show that either the Petitioner's article or book were intended for "learned persons" with profound knowledge in the field of marketing or business management. Rather, the Petitioner stated that his book "synthesizes" his own insights regarding business strategy and career development and is intended "to inform and inspire individuals entering academic and professional tracks." In addition, after reviewing the contents of the article the Petitioner published in *Empresas e Negocios*, we find the evidence supports SCOPS' conclusion that his article is more akin to an opinion piece regarding sales techniques rather than a scholarly article intended for learned individuals in his field.

Accordingly, for the reasons discussed, the Petitioner has not shown that he satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(vi).

5. High Salary or Other Significantly High Remuneration

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*, *supra*, at F.2(B)(1).

The Petitioner provided a statement from a Brazilian CPA who indicated that she has served as his accountant since 2008. The accountant's statement provided information about the Petitioner's "total professional compensation" for the years 2008, 2016, 2018, 2019, 2021, and 2024. However, he claimed eligibility under this criterion based solely on his "professional income for the year 2024" which the accountant reported as R$768,492.09, equivalent to $153,698.42.[3] The Petitioner stated he derived the income "from his activities as an entrepreneur and consultant" and the reported amount included "performance-based earnings and contractual payments aligned with senior-level business and marketing professionals."

The Petitioner provided a copy of a salary survey published by SalarioBR, which included 2024-2025 salary data for the occupation of "marketing director" in [redacted] Brazil, with salary breakdowns based on company size and level of professional experience. According to this data, the highest paid marketing directors included in the survey earned a monthly salary of R$47,000.

Based on the data provided by his accountant, the Petitioner asserted that his average monthly income derived "from consulting and business ownership" in 2024 "exceeds the top salary range reported for marketing directors in [redacted] largest corporations by approximately 36.2%." He claimed that his remuneration was "well above the highest professional benchmark in the industry" and sufficient to establish that he commended "significantly high remuneration" in relation to others in the field.

We agree with SCOPS' conclusion that the Petitioner did not establish that he has commanded a high salary or other significantly high remuneration in relation to others in his field.

[3] The accountant indicated his 2024 income was derived from [redacted]

The Petitioner did not submit tax returns, pay statements or other evidence of past salary or remuneration for services beyond the statement of his claimed accountant, who indicates that all of his income for 2024 was derived from [redacted]. Even if we found this evidence sufficient to demonstrate the Petitioner's total remuneration for 2024, the record would be insufficient to demonstrate that that such remuneration is "significantly high" in relation to the total remuneration earned by others in the same field.

USCIS considers several factors when evaluating whether a comparison between a petitioner's documented remuneration and the remuneration documented in a submitted compensation survey is accurate. These considerations include both the description of the occupation and the type of compensation being measured. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

Here, the Petitioner compares his "total professional compensation" derived from "consulting and business ownership" to the base salaries commanded by experienced individuals serving in the position of "marketing director" with large companies in [redacted]. The record does not contain a description of the duties he performed as the claimed owner of [redacted] and therefore does not support a finding that the duties he performed as a consultant and business owner in 2024 were comparable to those of a "marketing director" working for a large company.

Further, as noted, the Petitioner seeks to compare his total remuneration (including non-salary earnings) to the base salaries earned by others. A more appropriate and probative basis for comparison would be to compare his own total remuneration to the total remuneration commanded by others who are engaged in similar employment. The record does not contain this type of comparative data. Nor does the record indicate whether the Petitioner earns a salary or document what the figure is so that it could be used as a basis for comparison. Absent an appropriate basis for comparison, the Petitioner has not supported his claim that he has commanded significantly high remuneration for his services in relation to others in his field.

Accordingly, for the reasons provided, the record does not demonstrate that the Petitioner satisfies the criterion at 8 C.F.R. 204.5(h)(3)(ix).

B. Final Merits Determination

While the Petitioner meets the judging and leading or critical roles criteria, he has not established he satisfies the criteria relating to awards, published material, original contributions or authorship of scholarly articles. Because the Petitioner's inability to meet three of the initial criteria is dispositive of his appeal, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. We therefore reserve this issue. *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).

Nevertheless, we have reviewed the record in the aggregate and conclude that it does not support a conclusion that the Petitioner has established the sustained acclaim and recognition required for the classification sought. The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than those progressing toward the top. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (concluding that even major league

level athletes do not automatically meet the statutory standards for classification as an individual of "extraordinary ability,"); *Amin v. Mayorkas*, 24 F.4th at 394 (stating that extraordinary ability is such an elite level of accomplishment); *Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *1 (D. Neb. Mar. 10, 2025) (stating that EB-1 visa are intended to be available to only an exceedingly small amount of individuals with extraordinary ability). While the Petitioner shows that he has built a successful career in business and has received some recognition for his expertise, he has not shown the significance of his work is indicative of the required sustained national or international acclaim or it is consistent with a career of acclaimed work in the field. *See* Section 203(b)(1)(A) of the Act. While the Petitioner need not establish that there is no one more accomplished to qualify for the classification sought, the record is insufficient to demonstrate that he is among the small percentage at the top of his field. *See* 8 C.F.R. § 204.5(h)(2).

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. Accordingly, we will dismiss the appeal.

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.