U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42389671

Date: APR. 27, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a floral designer, 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 aliens 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 the Petitioner did not satisfy the initial evidence requirements for this classification, either by documenting her receipt of a major internationally recognized award, or by meeting at least three of the ten evidentiary criteria set forth in the regulations. 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 which has been demonstrated by sustained national or international acclaim;
- Seek to continue work in their field of expertise in the United States; and
- Would offer substantial prospective benefits to the country.

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

The term "extraordinary ability" means expertise commensurate with "one of 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 received "a major, international recognized award," they must satisfy at least three of ten initial

evidentiary criteria. 8 C.F.R. § 204.5(h)(3). If a petitioner meets either evidentiary standard and the requirements at sections 203(b)(1)(A)(ii), (iii) of the Act, U.S. Citizenship and Immigration Services (USCIS) must then make a final merits determination. To merit approval, the record must establish a petitioner's "sustained national or international acclaim" and show that they have recognized achievements placing them among the small percentage at the very top of their field. *See Kazarian v. USCIS*, 596 F.3d 1115, 1119-20 (9th Cir. 2010) (establishing a two-step process for adjudicating extraordinary ability petitions); *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 is a professional floral designer with approximately 15 years of experience in the field. She began her career in Ukraine and later founded [redacted], a Florida-based retail floristry business that serves clients in [redacted]'s luxury hospitality industry.

A. Evidentiary Criteria

The Petitioner does not claim that she has received a major internationally recognized award. Therefore, she must demonstrate that she meets at least three of the ten initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). SCOPS denied the petition, concluding that the Petitioner submitted evidence satisfying only two of seven claimed criteria. Specifically, SCOPS determined that the Petitioner demonstrated that she has participated as a judge of the work of others in her field and has displayed her floral design work at artistic exhibitions or showcases. *See* 8 C.F.R. § 204.5(h)(3)(iv) and (vii). The record supports SCOPS' conclusion that the Petitioner satisfied these two criteria.

On appeal, the Petitioner contests SCOPS' determinations that she did not satisfy the criteria at 8 C.F.R. 204.5(h)(3)(i), (v) and (viii). She asserts that she has received a lesser nationally recognized award, made original artistic contributions of major significance in her field, and served in a leading role with an organization that has a distinguished reputation.[1]

Upon de novo review, we conclude that the Petitioner submitted sufficient evidence to meet the criterion at 8 C.F.R. § 204.5(h)(3)(i) and has therefore satisfied the initial evidence requirements for the requested classification.

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

[1] The Petitioner does not contest SCOPS' determination that she did not satisfy the requirements of the criteria at 8 C.F.R. § 204.5(h)(3)(iii) and (vi), pertaining to published materials about her and relating to her work, and her authorship of scholarly articles in professional or major trade publications or other major media.

The Petitioner claims eligibility for this criterion based on her receipt of a second-place award and trophy at the [redacted] organized by the [redacted]. The record includes evidence of the Petitioner's trophy and award diploma, a detailed letter from the president of the awarding association that addresses the criteria for granting the award and the competition's history and national recognition in the field, records of the judging of the competition, and published media about the 2023 edition of this annual competition.

Examples of qualifying awards under this criterion may include certain awards from well-known professional associations. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1). Here, the record shows that the Petitioner received her award from Ukraine's national professional association in her field and that the award, which was issued to her based on her outstanding performance in a long-standing annual national competition for persons in her profession, more likely than not, qualifies as a nationally recognized award for excellence within the field of floral design. In its decision, SCOPS questioned whether the award is one which would have garnered the Petitioner "sustained national or international acclaim," but such an inquiry is more appropriate at the final merits stage. *See generally*, *id.* (noting that the question of whether a petitioner is one of that small percentage who have risen to the very top of the field of endeavor and enjoys sustained national or international acclaim should be addressed in the final merits determination).

For the reasons discussed, we find the Petitioner has established by a preponderance of the evidence that she satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(i).

B. Final Merits Determination

Based on the foregoing discussion, the Petitioner has satisfied at least three of the ten evidentiary requirements at 8 C.F.R. § 204.5(h)(3)(i)-(x).[2] We will therefore withdraw SCOPS' decision, because that decision was based on a determination that the Petitioner did not satisfy the initial evidence requirements for this classification.

However, granting three criteria does not suffice to establish eligibility for the classification the Petitioner seeks. USCIS must now make a final merits determination on the Petitioner's filing and consider whether the record establishes the sustained national or international acclaim and recognized achievements sufficient to place the Petitioner among the small percentage at the very top of her field. *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. SCOPS did not make such a finding. Rather than make this determination in the first instance, we will remand the matter to SCOPS.

The final merits determination should weigh the evidence submitted in support of all claimed initial evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x), any other potentially relevant evidence in the record (including evidence that does not fit one of the evidentiary criteria), and the Petitioner's claims and evidence on appeal. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(2).

[2] We need not consider the Petitioner's arguments that she meets additional evidentiary criteria under 8 C.F.R. § 204.5(h)(3)(i)-(x), beyond the three already granted. *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). As the matter will be remanded, SCOPS may consider those arguments prior to addressing the final merits.

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