U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37459535

Date: APR. 28, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a wedding and event planner specialist, 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.

SCOPS denied the petition, concluding that the Petitioner did not establish that she meets the initial evidence requirements for the classification, either through her receipt of a major, internationally recognized award or by satisfying at least three of the ten initial evidentiary criteria at 8 C.F.R. § 304.5(h)(3). 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 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 a multi-part analysis. First, a petitioner can demonstrate sustained acclaim and the recognition of his or her 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 he or she 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). If an evidentiary standard under 8 C.F.R. § 204.5(h)(3)(i)-(x) does not "readily apply" to a petitioner's occupation, the petitioner may submit "comparable evidence" to establish 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 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).

## II. ANALYSIS

The Petitioner is seeking to be classified as an alien of extraordinary ability based on her work as a wedding and event planner specialist. The Petitioner claims to have received a major, internationally recognized award under 8 C.F.R. § 204.5(h)(3), and in the alternate, to have satisfied at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

### A. Major, Internationally Recognized Award

Given Congress' intent to restrict this category to "that small percentage of individuals who have risen to the very top of their field of endeavor," the regulation permitting eligibility based on a one-time achievement must be interpreted very narrowly, with only a small handful of awards qualifying as major, internationally recognized awards. See H.R. Rep. 101-723, 59 (Sept. 19, 1990), reprinted in 1990 U.S.C.C.A.N. 6710, 1990 WL 200418 at *6739. The House Report specifically cited to the Nobel Prize as an example of a one-time achievement; other examples which enjoy major, international recognition may include the Pulitzer Prize, the Academy Award, and an Olympic Medal. The regulation is consistent with this legislative history, stating that a one-time achievement must be a major, internationally recognized award. 8 C.F.R. § 204.5(h)(3). The selection of Nobel Laureates, the example provided by Congress, is reported in the top media internationally regardless of the nationality of the awardees, reflects a familiar name to the public at large, and includes a large cash prize. While an internationally recognized award could conceivably constitute a one-time achievement without meeting all of those elements, it is clear from the example provided by Congress that the award must be global in scope and internationally recognized in the field as one of the top awards.

The Petitioner asserts that her receipt of two prizes at the [redacted] qualifies as major, internationally recognized awards. She submitted copies of two cards, one for each of 2016 and 2017, naming [redacted] the Petitioner, and the prize in the category of wedding planners. The Petitioner claims, "[t]he [redacted prize] is a globally recognized accolade that signifies top-tier recognition for wedding planners and related wedding professionals" and "serves as a prestigious, global award within the wedding industry and holds significant weight in establishing extraordinary ability . . . ." On appeal, the Petitioner argues that the [redacted] prize "is equivalent of an Oscar in entertainment or a Grammy in music."

The Petitioner, however, did not provide evidence to support her assertions of the global recognition of the prizes as one of the top awards within the wedding planning industry. The Petitioner argues that the [redacted] prizes have international recognition because they are given to professionals across 14 countries and the winners are highlighted in [redacted] wedding networks and in international wedding media outlets. She, however, did not provide evidence of the asserted international media coverage. Statements made without supporting documentation are of limited probative value and are not sufficient to meet the burden of proof in these proceedings. Matter of Soffici, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing Matter of Treasure Craft of California, 14 I&N Dec. 190 (Reg'l Comm'r 1972)). While the Petitioner asserts that recommendation letters from wedding industry professionals detail the significance of the [redacted], only one letter from an industry professional briefly mentions the Petitioner's receipt of the prizes. This letter and others submitted from her clients and other wedding industry professionals do not mention or explain how the prize is a top award with global recognition.

Moreover, she contends that the winners are nominated and evaluated by "[e]xpert judges who assess the professionals based on innovation, quality, and excellence in service," which "aligns with USCIS criteria for establishing extraordinary ability, as it demonstrates that the professional has received sustained national and international acclaim and has been judged by others who are experts in their field." While the record includes screen shots from the [redacted] website about the 2020 and 2022 [redacted] which are helpful to understanding the [redacted] and some of the 2020 and 2022 judging panel and criteria, such information is general and lacks details about the prizes and the extent of their recognition.

The Petitioner has not demonstrated she is in receipt of a major, internationally recognized award in accordance with 8 C.F.R. § 204.5(h)(3).

B. Evidentiary Criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x)

Because the Petitioner has not 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 found that the Petitioner met none of the six claimed evidentiary criteria. In addition to her initially claimed evidentiary criteria, the Petitioner claims for the first time on appeal that she meets two new criteria, memberships in associations at 8 C.F.R. § 204.5(h)(3)(ii) and commercial successes in performing arts at 8 C.F.R. § 204.5(h)(3)(x). Although a petitioner may supplement previous eligibility assertions, they should not raise previously unclaimed eligibility criteria for the first time on appeal. See Matter of Soriano, 19 I&N Dec. 764, 766 (BIA 1988); Matter of Obaigbena, 19 I&N Dec. 533, 537 (BIA 1988). Therefore, we will not consider the Petitioner's new claims regarding the criteria for memberships and commercial success.

Upon de novo review, the Petitioner has not demonstrated she meets at least three of the initial evidentiary criteria.[1]

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).

As part of her initial petition, the Petitioner claimed her [redacted] prizes met this criterion. Although her appeal does not mention this criterion, we will address the [redacted] prizes as lesser nationally or internationally recognized prizes since we determined the [redacted] prizes did not qualify as major, internationally recognized awards under 8 C.F.R. § 204.5(h)(3).[2]

To meet this criterion, the Petitioner must demonstrate that she received prizes or awards, and they are nationally or internationally recognized for excellence in the field of endeavor. Relevant considerations regarding whether the basis for granting the prizes or awards was excellence in the field include, but are not limited to, the criteria used to grant the prizes or awards, the national or international significance of the prizes or awards in the field, the number of awardees or prize recipients, and any limitations on competitors. See generally 6 USCIS Policy Manual F.2(B)(1), https://www.uscis.gov/policy-manual.

Although the Petitioner submitted evidence to show she received the [redacted] prizes, she did not establish that the [redacted] prizes are nationally or internationally recognized for excellence in the wedding planning field. The Petitioner's assertions of the [redacted] prizes being internationally recognized for excellence in the wedding industry are not supported by documentary evidence. Such assertions are of limited probative value and are not sufficient to meet the burden of proof for this criterion. See Matter of Soffici, 22 I&N Dec. at 165. For instance, she did not provide evidence of the claimed international media coverage to demonstrate their international recognition. Moreover, although the Petitioner submitted general information from the [redacted] website about [redacted] the record lacks details about the prizes, such as criteria for granting the prizes, the number of prize recipients, and any limitations on competitors. Without further evidence, we are unable to determine whether they were granted for excellence in her field.

For these reasons, the Petitioner has not demonstrated she meets this criterion.

[1] While we may not discuss every document submitted, we have reviewed and considered each one.

[2] In her initial petition, the Petitioner submitted other items of recognition to meet this criterion. Because she does not mention or provide a claim on appeal for these items of recognition, she therefore, waives claim to these items meeting this criterion. Any ground of ineligibility that is not raised on appeal is waived. See Matter of O-R-E-, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing Matter of R-A-M-, 25 I&N Dec. 657, 658 n.2 (BIA 2012)).

2. "Published material about the alien in professional or major media trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation." 8 C.F.R. § 204.5(h)(3)(iii).

The Petitioner has not demonstrated the documentation submitted in support of this criterion meets its plain language requirements. For instance, the two on-line articles from zankyou.com.co are only a portion of the entire articles and do not include the dates and authors of the articles. Similarly, the article entitled, [redacted] includes the author's name but does not include the name of the publication or the publication date. The Petitioner also submitted wedding photographs published in the magazine, [redacted], but they do not indicate a title, date, or author. And The Petitioner also claims she has been interviewed on television and provided a screen shot of her on television. She, however, did not submit any other evidence about the interview, including the interviewer, the interview date, the place of the interview, or an interview transcript. Moreover, the material submitted only briefly mentions the Petitioner by quoting her or crediting her as the wedding planner for certain wedding photographs, but none of the material is about her and her work in the wedding planner field.

Moreover, the record does not include evidence to determine whether the publications are professional or major media trade publications or other major media. In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media). See generally 6 USCIS Policy Manual, supra, at F.2(B)(l). Here, the Petitioner did not provide the names of the publishers for the television interview or for the article entitled, [redacted] In addition, she did not provide evidence about any of the publishers, such as their intended audiences, relative circulation, readership, or viewership. Without such evidence, we are unable to determine whether the publications are professional or major media trade publications or other major media.

Accordingly, the Petitioner did not demonstrate she meets this criterion.

3. "Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).

USCIS first determines whether a petitioner made original contributions in their field. See generally 6 USCIS Policy Manual, supra, at F.(2)(B)(l). The Agency then examines whether the original contributions are of major significance to the field. Id.

In support of this criterion, the Petitioner submitted recommendation letters from her previous clients and wedding industry professionals. While the letters attest to the Petitioner being a dedicated and competent wedding planner, they do not indicate the Petitioner has made original contributions in her wedding planner field. For instance, her clients attest to her wedding planning skills saving them time and money; her coordination with suppliers; her organizational skills and attention to details; and their overall positive experience with her as their wedding planner. Similarly, the founding manager of the [redacted] magazine attests to the Petitioner's wedding planning experience, including her having

planned high profile events; being passionate and positive about her work; delivery of a high-level planning services; and her work being featured in the [redacted] magazine. Another letter from a colleague in the makeup industry attests to having hired the Petitioner to teach at her makeup academy and to the Petitioner being a valued teacher. The letters, however, do not detail how the Petitioner's teaching activities at the makeup academy or her previous wedding planning work are original contributions in her field.

For the reasons discussed above, the Petitioner has not met the criterion.

4. "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).

This criterion requires evidence that a petitioner's work in the field was displayed, and that display occurred within an artistic exhibition or showcase. See generally 6 USCIS Policy Manual, supra, at F.2(B)(1). An exhibition is defined as a public showing. Id.

To meet this criterion, the Petitioner submitted photographs of weddings, for which she provided her wedding planning services. She claims that the photographs depict "her passion for creation, dedication and vision that have always driven her efforts in the art of event design, planning, and realization." The Petitioner, however, has not explained or demonstrated how the weddings are public showings that are artistic in nature, or otherwise qualify as artistic exhibitions or showcases under the criterion. Accordingly, the Petitioner has not established she satisfies this criterion.

C. Summary and Reserved Issues

The Petitioner also asserts that she meets eligibility for the criteria relating to leading or critical role at 8 C.F.R. § 204.5(h)(3)(viii) and high salary in relation to others at 8 C.F.R. § 204.5(h)(3)(ix). Because the Petitioner cannot fulfill the initial evidentiary requirements of three criteria under 8 C.F.R. § 204.5(h)(3), we need not determine whether she meets the requirements of these additional two criteria, nor do we need to provide the type of final merits determination referenced in Kazarian, 596 F.3d at 1119-20. Accordingly, we will 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).

Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the 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"); Visinscaia v. Beers, 4 F. Supp. 3d at 131 (internal quotation marks omitted) (finding that the extraordinary ability designation is "extremely restrictive by design"); Hamal v. Dep*'t* of Homeland Sec. (Hamal II), No. 19-cv-2534, 2021 WL 2338316, at *5 (D.D.C. June 8, 2021), *aff'd*, 2023 WL 1156801 (D.C. Cir. Jan. 31, 2023) (determining that EB-1 visas are "reserved for a very small percentage of prospective immigrants"); s*ee also Hamal v. Dep't of Homeland Sec. (Hamal I)*, No. 19-cv-2534, 2020 WL 2934954, at *1 (D.D.C. June 3, 2020) (citing Kazarian v. USCIS, 596 F.3d

at 1122 (upholding denial of petition of a published theoretical physicist specializing in non-Einsteinian theories of gravitation) (stating that "[c]ourts have found that even highly accomplished individuals fail to win this designation")); Lee v. Ziglar, 237 F. Supp. 2d 914, 918 (N.D. 2002) (finding that "arguably one of the most famous baseball players in Korean history" did not qualify for the visa as a baseball coach). Here, the Petitioner has not shown the significance of her work is indicative of the required sustained national or international acclaim or 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 the Petitioner has garnered national or international acclaim in the field, and 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 and 8 C.F.R. § 204.5(h)(2). The record does not contain sufficient evidence establishing the Petitioner among the upper echelon in her field.

## III. CONCLUSION

For the reasons 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.