U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37188781

Date: APR. 28, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a technology entrepreneur, 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 satisfy at least three of the ten initial evidentiary criteria. 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 his work as a technology entrepreneur in the hospitality industry.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, the issue to be addressed on appeal is whether the Petitioner satisfied at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). In denying the petition, SCOPS determined the Petitioner did not fulfill any of the nine claimed evidentiary criteria:

- lesser nationally or internationally recognized awards or prizes,
- memberships in associations requiring outstanding achievements,
- published materials about the individual in professional publications relating to work in the field,
- participation as a judge of the work of others in the same field,
- original contributions of major significance,
- authorship of scholarly articles in the field in major publications,
- display of work in the field at artistic exhibitions or showcases,
- leading or critical roles in organizations or establishments with distinguished reputations, or
- high salary or other remuneration in relation to others in the field.

On appeal, the Petitioner maintains he submitted evidence demonstrating he meets the nine criteria. He requests a review of the record, arguing the SCOPS' decision was erroneous and incorrectly

disregarded his request for evidence reply. Upon de novo review, the Petitioner has not demonstrated he meets at least three of the initial evidentiary criteria.[1]

1. Lesser Nationally or Internationally Recognized Awards or Prizes

To meet the criterion at 8 C.F.R. § 204.5(h)(3)(i), the Petitioner must demonstrate his prizes or awards 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.

The Petitioner claims the receipt of venture capital funding of $1.3 million by two companies he co-founded, [redacted] meets the criterion. The Petitioner, however, has not shown that this venture capital funding satisfies the plain language of the criterion. In addition, the Petitioner has neither requested this criterion be evaluated with comparable evidence, nor has he established this criterion does not apply to his occupation.

On appeal, the Petitioner cites to an unpublished district court decision, Zizi v Cuccinelli, 2021 WL 2826713 (N.D. Cal 2021), which determined that we were arbitrary and capricious in concluding that venture capital funding must be awarded to the individual petitioner, instead of to a company to qualify for the criterion. We note that in contrast to the broad precedential authority of the case law of a United States circuit court, the AAO is not bound to follow the published decision of a United States district court in cases arising within the same district. See Matter of K-S-, 20 I&N Dec. 715 (BIA 1993). The reasoning underlying a district judge's decision will be given due consideration when it is properly before the AAO; however, the analysis does not have to be followed as a matter of law. Id. at 719. Moreover, in Zizi, the court relied not only on the company's receipt of investment funding, but also on evidence that the petitioner's "involvement in the company was the motivating factor for the investment . . . ." Unlike Zizi, here, the Petitioner has not submitted evidence that his roles in his companies were the motivating factor for their receipt of investment funding.

For [redacted] the Petitioner submitted news articles and two pages from an undated share subscription and shareholders agreement between [redacted] and its promoter companies. The two pages of the agreement do not specify the details of the investment funding but instead set out some of [redacted] subscription and management terms. In addition, while the news articles mention [redacted] having been awarded $500,000 in funding, the article and other evidence in the record do not document details of the funding, the Petitioner's role in being awarded the funding, or that the basis for granting the funding was excellence in the field. The evidence does not detail the claimed venture capital funding investments for [redacted] or otherwise establish the Petitioner received a prize or award which was nationally or internationally recognized for excellence in his field.

For [redacted] the Petitioner submitted a letter from [redacted] printouts from the [redacted] website relating to its investment in [redacted] and news articles. While the letter from the co-founder of

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

[redacted] summarizes the Petitioner's various professional accomplishments, including the Petitioner's role at [redacted] it does not mention [redacted] venture capital funding in [redacted] The news articles and [redacted] website printouts generally mention [redacted] providing funding to [redacted] but they do not provide details of the funding, the Petitioner's role in the funding, or that the basis for granting the funding was excellence in the field.

The Petitioner's statements that his companies were awarded $1.3 million in venture capital funding are not supported by evidence or information in the record. Assertions made without supporting documentation are of limited probative value and do not carry the weight to satisfy the Petitioner's burden of proof. See Matter of Soffici, 22 I&N Dec. 158, 165 (Comm'r 1998). The evidence in the record provides some general information about the funding provided to [redacted] but it does not detail the awarded funding, including the number of awardees, the criteria used for selecting awardees, the selection process, evidence of the reputation of the awarded funding, and the Petitioner's role in receiving the funding. Moreover, the regulation specifies that the awards or prizes must be nationally or internationally recognized and for excellence in the field of endeavor. Without further evidence of the details of the funding, we are unable to determine that the funding meets these requirements.

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

2. Memberships in Associations Requiring Outstanding Achievements

For the criterion at 8 C.F.R. § 204.5(h)(3)(ii), the Petitioner must establish his membership in associations in his field, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.

The Petitioner has not established meeting the requirements for this criterion. The Petitioner demonstrated he has been a member of an association related to his field of information technology, which requires outstanding achievements of their members. He, however, has not provided evidence documenting his membership was judged by recognized national or international experts in their field.

The Petitioner contends he meets this criterion based on his membership with [redacted] He submitted a letter from the co-founder and [redacted] documentation about the co-founder of [redacted] and a printout from the [redacted] website indicating the Petitioner's profile as co-founder and CEO of [redacted] and his being a member of [redacted] since 2023.

The letter describes [redacted] as "an invitation-only organization for leading executives in the technology industry. . . that proactively connects them to each other as well as best-in-class resources based on their specific business needs." In addition, the letter details the requirements for membership standards stating, "admission is limited to highest quality members of the technology community. Each applicant is thoroughly reviewed and vetted before being invited" with acceptance rates at approximately 10-11% meeting the standards of admission. In order to be considered for membership, an applicant is required to be a senior level executive of a business which either generates a minimum of $1 million in revenue or has a minimum of $1 million in financing. In

addition to these minimum standards, the letter explains that prospective applicants are required to show "tangible outstanding accomplishments in their field that set them above their peers." For the Petitioner's membership, the letter describes the [redacted] having considered the Petitioner's education and professional experience, in particular his role with [redacted] stating that he was invited to join "because of his outstanding accomplishments in the field of Hospitality and Information Technology." Based on this evidence, the Petitioner has demonstrated his membership in an association which requires outstanding achievements of their members.

The record, however, does not show that that the outstanding achievements of the members of the [redacted] is judged by recognized national or international experts in their field. The letter states, "an internal membership selection committee of experts in business, technology, and entrepreneurship" evaluates prospective applicants to determine membership. The letter and other evidence in the record do not detail the expertise of the internal selection committee in order for us to determine that those judging membership are recognized national or international experts in the Petitioner's field.

For these reasons, the Petitioner has not established he meets this criterion.

3. Published Materials

This criterion requires evidence documenting "[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. 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).

To satisfy the requirements of this criterion, the published material should be about the petitioner, relating to their work in the field, not just about their employer and the employer's work or another organization and that organization's work. The petitioner and their work need not be the only subject of the material, but the material should include a substantial discussion of the petitioner's work in the field. See generally 6 USCIS Policy Manual, supra, at F.2(B)(l).

The submitted articles and evidence in the record, however, do not demonstrate the published material is about the Petitioner and his work in his field. For instance, the article published in [redacted] Times references the Petitioner being the co-founder of [redacted] along with five other persons, and provides a quote from him; but the article is not about the Petitioner and his work. Instead, the article is substantially about the startup of [redacted] and its investor companies. Similarly, although the articles published in [redacted] mention the Petitioner as a co-founder of [redacted] the main focus of the articles are other businesses investing in and acquiring [redacted]

Two articles published in [redacted] discuss [redacted] but only mention the Petitioner once as one of the six co-founders, with one article mainly discussing another [redacted] co-founder and his work to start [redacted] Another article in [redacted] references a different business co-founded by the Petitioner, [redacted] and mainly focuses on its acquisition. While the Petitioner is mentioned in the articles in connection with being the co-founder of [redacted] the articles are not about the Petitioner, his role in the work for the companies, or his work in his field.

For the reasons discussed above, the Petitioner did not show he meets this criterion.

4. Participation as a Judge

To meet this criterion, the Petitioner must submit evidence of his participation, either individually or on a panel, as a judge of the work of others in his same or an allied field. See 8 C.F.R. § 204.5(h)(3)(iv).

The Petitioner submitted a letter from the former group chief technology and product officer at his previous employer, [redacted] a hospitality technology company. The letter explains that the Petitioner and another [redacted] employee comprised a judging panel for [redacted], a competition held in 2019 for [redacted] employees "to conceptualize and design [redacted] products and novel solutions for business use-cases or to enhance the guest satisfaction of [redacted] customers." The letter describes the competition, including it being open to teams of four to five [redacted] software, firmware, and product specialist employees who were challenged to prepare a business case setting out the potential financial impact to [redacted], a cost-benefit analysis, and a prototype of the product or solution. In addition, the letter outlined the judges' criteria matrix for evaluating the submissions and the winning project and participants. With the letter, the Petitioner submitted two certificates of achievement awarded to the winning participants, photographs depicting the winning project, and a research article about hackathons.

Based on the evidence submitted, the Petitioner demonstrated by a preponderance of the evidence that he participated as a judge of the work of others in his field of hospitality technology, and therefore, meets this criterion. We withdraw the Director's finding to the contrary.

5. Original Contributions of Major Significance in the Field

To meet the criterion, the Petitioner must demonstrate his "original scientific, scholarly, artistic, or business-related contributions of major significance in the field." 8 C.F.R. § 204.5(h)(3)(v).

The primary requirements for this criterion are that a petitioner's contributions in their field were original, and they rise to the level of major significance in the field as a whole, rather than to a project or to an organization. See Amin v. Mayorkas, 24 F.4th 383, 394 (5th Cir. 2022) (citing Visinscaia v. Beers, 4 F. Supp. 3d 126, 134 (D.D.C. 2013)). Contributions of major significance connotes that a petitioner's work has significantly impacted the field. The Petitioner must submit evidence satisfying all these elements to meet the plain language requirements of this criterion.

To meet the criterion, the Petitioner submitted an article discussing the startup of a business he co-founded, [redacted] and its sensor-based solution development being used for client projects. He claims [redacted] technology has been used by India's railway system and has been of major significance to the railway and his field. The Petitioner, however, has not explained or provided evidence showing his work with [redacted] included his original contributions, and how his original contributions have been of major significance to India's railway system and his field.

The Petitioner submitted other news articles, but they do not discuss the Petitioner's original work or the significance of his original work. For instance, an article, which does not include the publisher or date of the article, generally discusses [redacted] delivering on projects for India's railways and other

clients. Additional news articles discuss India's railways utilizing technology to attain rider feedback and promote railway track safety, but they do not mention [redacted] or the Petitioner.

The Petitioner also submitted articles relating to the acquisition of [redacted] by [redacted] a hospitality technology business. The Petitioner argues that funding and industry recognition are relevant factors to show his contributions are of major significance in his field. The record, however, does not detail the Petitioner's original contributions to [redacted] or his field, or that such contributions are of major significance to his field.

Without further evidence, the Petitioner has not demonstrated his original contributions in his field, or that his contributions are of major significance to the field. Therefore, he does not meet this criterion.

6. Authorship of Scholarly Articles in the Field in Major Publications

To meet this criterion, the Petition must submit "[e]vidence of [his] authorship of scholarly articles in the field, in professional or major trade publications or other major media." 8 C.F.R. § 204.5(h)(3)(vi).

A scholarly article should be written for learned persons having a profound knowledge of a field. See generally 6 USCIS Policy Manual, supra, at F.2(B)(I). Scholarly articles include published conference presentations at nationally or internationally recognized conferences. Id. In addition, the Petitioner must demonstrate the publication qualifies as a professional or major trade publication or other major media. Id.

To support meeting this criterion, the Petitioner submitted an article he authored for Forbes.com and information about the readership audience of Forbes.com. He contends he authored the article as an industry expert to provide "his insightful industry analysis and thought-leadership to Forbes' learned global readership in the field." The article discusses technology advancements available for hotels to enhance their sales and increase revenue. The evidence demonstrates the article is authored by the Petitioner for learned persons in his field of technology and hospitality. In addition, the documents submitted about Forbes.com and its readership audience and circulation show it is a professional publication.

Based on the evidence submitted, the Petitioner has demonstrated by a preponderance of the evidence that he meets the plain language of the criterion. We withdraw the Director's determination to the contrary.

7. Leading or Critical Roles in Organizations or Establishments with Distinguished Reputations

For this criterion, the Petitioner must demonstrate his role in an organization or establishment has been leading or critical; and that the organization or establishment for which he has held a leading or critical role, has a distinguished reputation. See 8 C.F.R. § 204.5(h)(3)(viii). The Petitioner has not established that the companies for which he held a leading or critical role has a distinguished reputation.

Relevant factors for evaluating whether an organization or establishment has a distinguished reputation include its size and longevity; its customer base; and relevant media coverage. See

generally 6 USCIS Policy Manual, supra, at F.2(B)(l). For a startup business, we also consider evidence that the business has received significant funding from government entities, venture capital funds, angel investors, or other such funders commensurate with funding rounds generally achieved for that startup's stage and industry, as a positive factor regarding its distinguished reputation. Id.

The Petitioner claims he performs a leading and critical role as founder and CEO of [redacted] which has a distinguished reputation based on its global hotel clients and "publicized milestones of funding and commercial transactions." The letter from [redacted] states the Petitioner is a founder and CEO of [redacted] thereby demonstrating his role at [redacted] is leading. As evidence of [redacted] distinguished reputation, he argues [redacted] has received $1 million funding from [redacted] and other well-known angel investors, and has had media coverage of the funding in [redacted] and [redacted] Evidence in the record, however, does not detail the claimed funding from [redacted] and other angel investors.

As noted above, the letter from [redacted] is limited to the Petitioner's various professional accomplishments as a founder of [redacted] and his role with [redacted] but it does not detail [redacted] venture capital funding in [redacted] Printouts from [redacted] website generally mention [redacted] providing funding to [redacted] but they do not provide details of the funding in order for us to determine whether [redacted] has a distinguished reputation based on the funding. While the article from [redacted] mentions [redacted] and other named individuals providing undisclosed amounts of funding to [redacted] the information is brief and general, without providing specific details to determine the distinguished reputation of [redacted] Moreover, the articles submitted from [redacted] do not indicate an author. Without an author, it is uncertain whether the articles are marketing material or independent, objective published articles about Atica.

The Petitioner also submitted three emails from [redacted] hotel clients. The emails, however, are brief, and while they generally recommend [redacted] services and note an increase in revenue after partnering with [redacted] they lack specificity to understand whether [redacted] has a distinguishable reputation. Other evidence submitted to meet this criterion include printouts from [redacted] website which indicate the names of well-known hotel businesses as [redacted] clients; the Petitioner's resume; and the Petitioner's profile from [redacted] website. While this evidence is helpful to understanding the Petitioner's role in the businesses, they are not probative evidence corroborating his claims that [redacted] has a distinguishable reputation.

In addition, the Petitioner claims he performed a leading and critical role as the co-founder and CEO of the technology companies, [redacted] each of which he contends has a distinguished reputation based on their "major publicity, funding, and acquisitions." The Petitioner demonstrated he held a leading or critical role at [redacted] As noted above, the Petitioner submitted two pages from [redacted] share subscription and shareholders agreement, which includes a clause that the Petitioner was appointed Director and CEO of [redacted] In addition, the letter from [redacted] and other evidence show the Petitioner was a co-founder of [redacted] As such, the Petitioner has demonstrated his roles in those companies were leading or critical.

However, [redacted] partial agreement and other evidence in the record, do not specify the details of the investment funding from the promoter companies. While submitted articles mention [redacted] having been awarded funding, the record does not document details of the funding in order to determine whether [redacted] had a distinguished reputation based on the funding. Moreover, the articles published in [redacted] are brief and generally discuss [redacted] starting its business and its services. For [redacted] the article in [redacted] mainly focuses on [redacted] and briefly mentions its purchase of [redacted]

Without further evidence, the Petitioner has not demonstrated that a business for which he has held a leading or critical role has a distinguished reputation. Therefore, he does not meet the requirements of this criterion.

8. High salary or other remuneration in relation to others in the field

To meet this criterion, a petitioner must demonstrate their compensation is high relative to the compensation paid to others working in the field in similar positions and geographic locations. See 8 C.F.R. § 204.5(h)(3)(ix); see generally 6 USCIS Policy Manual, supra, at F.2(B)(I). Evidence of demonstrating high renumeration may include a petitioner's tax returns, pay statements, and employment contract, as well as comparative wage data for the petitioner's field, such as geographical or position compensation surveys. See generally 6 USCIS Policy Manual, supra, at F.2(B)(I).

We find that the evidence in the record is insufficient to demonstrate that the Petitioner has commanded a high salary in relation to others in his field. The Petitioner contends his salary working at [redacted] as a Director – Product, Band 5A meets this criterion. He submitted the first page of an employment offer letter from [redacted] dated in 2018, his Indian income tax return acknowledgement for the assessment year 2020–2021, and comparison surveys. The income tax return, however, does not indicate that his earnings for 2020-2021 were for his work at [redacted] In addition, the first page of the employment offer letter does not indicate the Petitioner's offered salary. Without further evidence, we are unable to determine that his earnings for 2020-2021 were for his work at [redacted]

For the reasons discussed above, the Petitioner has not established he satisfies this criterion.

9. Display of Work in the Field at Artistic Exhibitions or Showcases

To meet the criterion of display of work in the field at artistic exhibitions or showcases at 8 C.F.R. § 204.5(h)(3)(vii), a petitioner must show that the work displayed is his or her work product. See generally 6 USCIS Policy Manual, supra, at F.2(B)(I). In addition, the venue where the petitioner's work was displayed must be an artistic exhibition or showcase, meaning a public showing that is artistic in nature. Id.

Here, the Petitioner contends that his hospitality technology work was displayed at a hospitality conference, [redacted] 2018. The Petitioner submitted photographs depicting him and others holding a trophy with his statement that they were winners of the exhibition. Other than the photographs, however, the Petitioner did not provide evidence to corroborate that the work displayed was his claimed hospitality technology work. Moreover, a brochure for [redacted] 2018 does not

indicate that the conference was open to the public but instead limited to [redacted] related individuals, stating that attendees include [redacted] leadership, board members, country and regional leaders, and [redacted] technology and business attendees from across the globe. Without further evidence, the Petitioner has not demonstrated that his work in the field was displayed or that the venue where the work was displayed was a public showcase.

For these reasons, the Petitioner has not met the requirements for the criterion.

B. O-1 Nonimmigrant Status

The record reflects that in 2023 the Petitioner received O-1 status, a classification reserved for nonimmigrants of extraordinary ability. Although USCIS has approved at least one O-1 nonimmigrant visa petition filed on behalf of the Petitioner, this approval does not preclude USCIS from denying an immigrant visa petition which is adjudicated based on a different standard in statute, regulations, and case law. Many Form 1-140 immigrant petitions are denied after USCIS approves nonimmigrant petitions. See, e.g., Sunlift Int'l v. Mayorkas, et al., 2021 WL 3111627 (N.D. Cal. 2021); Q Data Consulting, Inc. v. INS, 293 F. Supp. 2d 25 (D.D.C. 2003); IKEA US v. US Dept. of Justice, 48 F. Supp. 2d 22 (D.D.C. 1999); Fedin Bros. Co., Ltd. v. Sava, 724 F. Supp. 1103, 1108 (E.D.N.Y. 1989), *aff'd*, 905 F. 2d 41 (2d. Cir. 1990). Furthermore, our authority over the USCIS service centers, the office adjudicating the nonimmigrant visa petition, is comparable to the relationship between a court of appeals and a district court. Even if a service center director has approved a nonimmigrant petition on behalf of an individual, we are not bound to follow that finding in the adjudication of another immigration petition. See, e.g., La. Philharmonic Orchestra v. INS, 248 F.3d 1139 (5th Cir. 2001) (per curiam). Nor are we required to approve applications or petitions where eligibility has not been demonstrated merely because of prior approvals that may have been erroneous. See Matter of Church Scientology Int'l, 19 I&N Dec. 593, 597 (Comm'r 1988); see also Constr. & Design Co. v. Bureau of Citizenship & Immigr. Servs., 2008 WL 2074097 *5 (N.D. 111. May 14, 2008) (describing as "prudent" that the AAO "assess each application on its own, rather than rubber stamping applications merely because of prior approvals"), aff'd sub nom. Constr. & Design Co. v. US. Citizenship & Immigr. Servs., 563 F.3d 593 (7th Cir. 2009).

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria listed under 8 C.F.R. § 204.5(h)(3)(i)-(x). As a result, we need not provide the type of final merits determination referenced in Kazarian v. USCIS, 596 F. 3d at 1119-20. Nevertheless, we note that we have reviewed the record in the aggregate, concluding that it does not support a conclusion that the Petitioner has established the acclaim and recognition required to be classified as an individual of extraordinary ability in the field of hospitality technology entrepreneur.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals 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, 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, 596 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 visa as a baseball coach).

For the reasons discussed above, the Petitioner has not demonstrated his 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.