U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42000555

Date: APR. 28, 2026

Appeal of Service Center Operations Decision

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

The Petitioner, a chief executive officer (CEO), 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(b0(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.

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish that the Petitioner qualifies as an alien of extraordinary ability either as the recipient of a major, internally recognized award, or that the Petitioner meets at least three of the ten initial regulatory criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x). 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 aliens 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).

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 alien 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 the CEO and co-founder of [redacted] ([redacted]), which applies agricultural technology and software to manage cattle. Established in [redacted], the company has since expanded its operations to California. It provides subscription-based access to its cattle management software for farmers. It also offers custom software design and development services for other companies.

A. Evidentiary Criteria

Because the Petitioner has not indicated or shown 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). In his initial petition, the Petitioner claimed to meet eight criteria: lesser nationally or internationally recognized prizes or awards (i); membership in associations (ii); published material (iii); participation as a judge of the work of others (iv); original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field (v); display of work in the field at artistic exhibitions or showcases (vii); leading or critical role for organizations with a distinguished reputation (viii); and high salary or other significantly high remuneration (ix). SCOPS evaluated the claims the Petitioner made in the initial petition and in response to the request for evidence and concluded the Petitioner did not satisfy any of the criteria.

On appeal, the Petitioner only claims to meet three criteria: published material; original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field; and leading or critical role for organizations with a distinguished reputation. The Petitioner does not assert his eligibility under the lesser nationally or internationally recognized prizes or awards; membership in associations; participation as a judge of the work of others; display of work in the field at artistic exhibitions or showcases; and high salary or other significantly high remuneration criteria. Therefore, we deem those issues to be waived and will not address those criteria in our decision. *See, e.g.*, *Matter of M-A-S-*, 24 I&N Dec. 762, 767 n.2 (BIA 2009). While we may not discuss every document in the record, we have reviewed and considered each one. Based on our de novo review, we conclude the

Petitioner has not demonstrated eligibility for this highly restrictive immigrant classification for the reasons we will discuss below.

1. 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.* The published material should be about the alien and their work, rather than the alien's employer and its work (or about an organization and its work). 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* F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner submitted several published articles to demonstrate eligibility for this criterion. Specifically, the Petitioner provided three articles published on *Bloomberg Linea* in [redacted] 2023 and 2024. The articles quote the Petitioner in his capacity as the CEO and co-founder of [redacted] and primarily focus on the company and its services rather than the Petitioner himself. The Petitioner also submitted additional articles from sources such as *forbes.com, money.cnn.com, businessinsider.com, exame.com, dinheirorural.com, techiexpert.com, here.com, fastcompany.com*, and a feature from *Latin America Business Stories (LABS)*. However, some of these articles identify the Petitioner as part of a broad group of innovative technology startups within the agricultural industry, while others predominantly discuss the company and its technology, with only limited or incidental references to the Petitioner.

Moreover, some articles explicitly indicate that they are press releases. 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. *See generally 6 USCIS Policy Manual, supra*, at F.2(B)(1). Additionally, the article from *LABS* lacks a complete publication date, identifying only an "[redacted] issue," and the article published on *dinheirorural.com* does not list an author.

SCOPS determined that the submitted evidence did not satisfy all elements of the criterion and concluded that the Petitioner failed to demonstrate that the publications qualify as professional or major trade publications or other major media, or that the publications are primarily about the Petitioner. On appeal, the Petitioner contends that SCOPS imposed "an extra-regulatory standard, effectively requiring a level of personalization and exclusivity not contemplated by the regulation." The Petitioner further argues that the articles highlight his "leadership and innovation in agricultural technology" and corroborate his company's "reputation as a distinguished and impactful company."

However, upon review, the record does not sufficiently support the Petitioner's assertions. While the evidence includes multiple articles referring to the Petitioner and [redacted], the content consistently emphasizes the company and its technological development, rather than substantially focusing on the Petitioner.

To meet this criterion, the Petitioner must demonstrate that the published material is about him in professional or major trade publications or other major media and related to his work in the field for which classification is sought. Here, the submitted articles overwhelmingly focus on the Petitioner's business and its products. Any references to the Petitioner are brief and appear in the context of his CEO and co-founder position. Again, although the Petitioner is briefly quoted, the articles do not represent published material about him. *See Lapteva v. Schuurmans*, No. 8:24CV83, 2025 WL 815087, at *4 (D. Neb. Mar. 10, 2025) (finding the regulation and USCIS policy clearly intend for evidence under this criterion to say something substantive about the petitioner and her work); *see also Gadhave v. Thompson*, No. 3:21-CV-2938-D, 2023 WL 6931334, at *4 (N.D. Tex. Oct. 19, 2023) (upholding articles only citing, quoting, or referencing the beneficiary do not qualify as about him); *Aravamuthan*, 2025 WL 1708126, at *4 (upholding plaintiff's submission of an article quoting him about personal branding was not about him); *Joseph v. Dir. of Texas Serv. Ctr., United States Citizenship & Immigr. Servs.*, No. 24-40249, 2025 WL 458001, at *3 (5th Cir. Feb. 11, 2025) (upholding an article that included quotes from the petitioner did "not make the article about" him); *Nelson*, 2022 WL 20583561, at *5 (upholding articles that only cited or quoted the petitioner are not about him).

Moreover, although some outlets, such as Forbes and CNN, are widely recognized, the specific articles submitted do not provide substantive discussion about the Petitioner. Similarly, although the Petitioner provided readership and website traffic statistics for certain publications, the regulatory requirement is not satisfied by the reputation or reach of the publications alone. The evidence must demonstrate that the published material is primarily about the Petitioner and his work.

For all these reasons, the Petitioner did not show he meets this criterion.

2. Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field

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 F.2(B)(1), www.uscis.gov/policy-manual.

The Petitioner contends that he has "led disruptive innovation in [agricultural technology] that disrupted [redacted] agroindustry." He further asserts that his company has "developed herd management software and Bluetooth-enabled smart collars that enable ranchers to manage the herd in real-time," which he describes as a "cow air tag." He also notes that his technology allows ranchers

and cattle owners to track the location of each cattle, measure its temperature, and integrate additional information related to the cattle to the company's cattle management software. Additionally, he states that his company serves "over 100,000 ranchers and farmers around the globe" and that his company's technology has been on the market for approximately 10 years, with over 100,000 subscribers.

In support of his claim, the Petitioner submitted and letters, including letters from [redacted]. For example, the letter from the president of [redacted], where the Petitioner participated in the [redacted], describes [redacted]'s technology tools and states that the company has delivered "measurable environmental and economic impact." Another letter from the [redacted] references the Petitioner's participation in a lecture on technology, entrepreneurship, and sustainable agricultural development, and attests to his contributions and potential benefits to the agricultural technology industry. Similarly, the letter from the [redacted]'s president discusses the Petitioner's "digital herd management system," as well as the company's platform that allows "ranchers to generate digitally verifiable carbon credits by measuring emissions reductions and sustainable practices directly on the farm." The letter also states that the Petitioner's tools "fundamentally changed how producers managed their operations, particularly in underserved regions."

The Petitioner also points to articles about his company and its software, asserting that his innovation in agricultural technology has been "positively featured in major media," as well as in "specialized and professional publications around the globe, in the United States, Latin America, and India."

SCOPS concluded that the Petitioner did not provide sufficient "objective" evidence demonstrating that he has made original contributions of major significance in the field. On appeal, the Petitioner argues that SCOPS improperly applied "an academic evidentiary framework inappropriate for business and technological innovation." He maintains that his work constitutes "original, field-advancing technologies" and emphasizes his business-related contributions, including use by farmers and 100,000 subscribers. He also highlights software licensing agreements with different companies, venture capital investment, the expansion of his business in the United States, and expert opinion letters to affirm that his contributions are of major significance to the digital agriculture and sustainable food industry.

However, the record lacks sufficient evidence to demonstrate that the Petitioner's contribution has been widely implemented throughout his field, has remarkably impacted or influenced his field, or has otherwise risen to a level of major significance. Although the Petitioner claims a large user-based and long-term market presence, such assertions, without corroborating evidence, are insufficient to demonstrate major significance. Similarly, while the letters are supportive in tone, they do not sufficiently establish that the Petitioner's contributions have had a significant impact on the field as a whole, such as widespread adoption, industry influence, or major significance to the field. Moreover, while the Petitioner has described the development of his software and its related agricultural technologies, he has not sufficiently demonstrated how his technology is materially different from existing technologies in the marketplace.

While the evidence demonstrates the Petitioner's experience and contributions to the field of agricultural technology, the record does not sufficiently establish that his contributions are "of major

significance in the field." Here, without sufficient information and evidence corroborating the claimed significance asserted in the letters and the Petitioner's statement, the record does not sufficiently show that the Petitioner's contributions are of major significance to his field.

Accordingly, the Petitioner did not demonstrate that he satisfies this criterion.

B. Reserved Issue

We note the Petitioner claims he meets additional criterion related to, leading or critical role for organizations or establishments that have a distinguished reputation (viii). However, as noted above, the Petitioner's unsuccessful demonstration of his eligibility under the criteria we discuss means he cannot numerically meet the required number of at least three criteria out of the 10 available and the three he claimed on appeal. Accordingly, we need not address the Petitioner's claimed eligibility for the additional criterion. We, therefore, reserve that 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).

C. Final Merits Determination

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. As a result, we decline to reach and hereby reserve any final merits determination in this matter. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

Congress set a very high benchmark for aliens of extraordinary ability by requiring the petitioner demonstrate "sustained national or international acclaim" and present "extensive documentation" to show his or her achievements have been recognized in the field. Section 203(b)(1)(A)(i) of the Act. Here, because the Petitioner has not satisfied the threshold "initial evidence" requirements at 8 C.F.R. § 204.5(h)(3), we cannot conclude that he is an alien of extraordinary ability and need not further analyze the merits under the statute. *See Kazarian*, 596 F.3d at 1119-20; *see also Nagaiah v. Allen,* 784 F. Supp. 3d 798, 814 (E.D. Pa. 2025) (finding the regulation "establishes a necessary, not sufficient, evidentiary requirement for a petitioner who seeks an extraordinary ability visa.").

For the reasons discussed above, the Petitioner has not demonstrated eligibility as an individual of extraordinary ability. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden here.

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.